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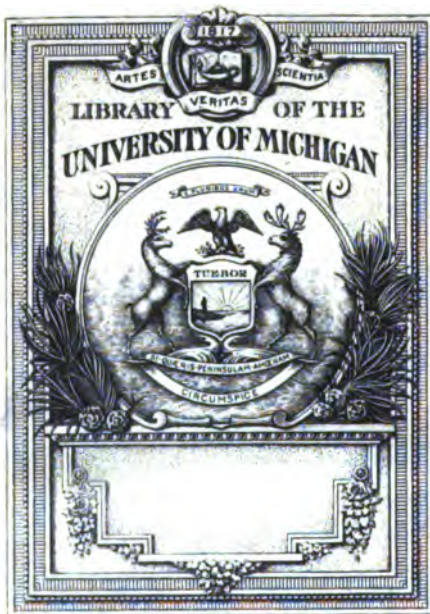
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T H E
Parliamentary Register ;
O R
H I S T O R Y
O F T H E
PROCEEDINGS AND DEBATES
O F T H E
HOUSE OF COMMONS ;

CONTAINING AN ACCOUNT OF

**The most interesting SPEECHES and MOTIONS ; accurate
Copies of the most remarkable LETTERS and PAPERS ;
of the most material EVIDENCE, PETITIONS, &c.
laid before and offered to the HOUSE,**

DURING THE

THIRD Session of the FIFTEENTH PARLIAMENT

O F

G R E A T B R I T A I N .

V O L . I X .

L O N D O N :

**Printed for J. DEBRET, (Successor to Mr. ALMON) opposite
BURLINGTON-HOUSE, PICCADILLY.
M.DCC.LXXIII.**

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T H E
H I S T O R Y
O F T H E
P R O C E E D I N G S and D E B A T E S
O F T H E
H O U S E of C O M M O N S

In the THIRD SESSION of the
Fifteenth Parliament of *Great-Britain*,

Appointed to be held at WESTMINSTER.

ON the 5th day of December, 1782, the King opened the third session of the fifteenth Parliament, with a most gracious speech from the throne. which our readers will find in the *Lord's Debates*. As soon as the Speaker had returned, and the customary forms were gone through of reading a bill for the first time, he informed the House, that he had procured a copy of his Majesty's speech, which he begged leave to read. Having done this,

Mr. *Yorke* rose, to offer some words as a return of thanks to his Majesty for his gracious speech from the throne. He began with comparing the state of this country at the end of the last year with our present situation and prospects; and trusted he should not be deemed too sanguine, if he felt himself elated at the contrast. At the opening of the last session of Parliament; his Majesty announced from the throne, the unfortunate issue of the campaign in Virginia, which ended in the surrender of the second British army that had piled their arms on the continent of America. One consolation was however to be derived from that great and unfortunate check, that it brought home to every man's feelings, a fatal conviction of the impracticability of continuing offensive war in America; and as if the continuance of that unfortunate war had been a clog upon every other operation, its abandonment was succeeded by the most brilliant success against the fleet of France, in the West Indies. The importance of that victory has been acknowledged by the thanks of Parliament, and by the general approbation of the country; it has been felt in the security of Jamaica, in the diminution of the French

Mr. Philip
Yorke.

navy, and lastly it has proved to those who before doubted of it, that the zeal, the discipline, and the intrepidity of the British seaman would rise superior to every difficulty, if once a fair opportunity were given of bringing the enemies of this country to a general engagement.

His Majesty informs the House, that he has taken such measures as were most likely to promote a cordial reconciliation with America, and states the use that has been made of the powers with which he was vested by an act of the last session; that every dispatch was used to carry into effect the resolution of the House of Commons, restraining offensive operations in America. That vote was succeeded by another resolution, declaring that minister an enemy to his country, who should advise his Majesty to deviate from the sense of the House. Nothing then remained to be done but to obtain peace; not by making war, for that was prohibited, but by making concessions; and no concession was likely to be deemed sufficient, but the opening of a treaty with America, upon the footing of a free and independent state. But at the time that his Majesty, for the sake of peace, and for the sake of relieving this country from the heavy burthens under which it labours, has made so great a dismemberment of the British empire, he consoles himself with a well-grounded hope, that other motives than those of dependency, may tend to connect the two countries in a bond of permanent union. It is to be hoped, that a people speaking the same language, educated in the same religion, of the same habits, and of the same manners. may prefer a commercial connection with this country; and that Great Britain may still enjoy a larger share of the American trade than any other nation in Europe, upon fair and liberal principles of commerce.

With respect to that part of the speech which alludes to the relief of Gibraltar, there is no one who will refuse to join in every praise that can be bestowed on the noble and gallant Commander who had the conduct of that important operation; who, in the face of a superior fleet, atchieved the relief of a besieged garrison; which had already from its own strength, and the resources it before possessed, effectually repelled the united efforts of two formidable powers, and destroyed the sanguine hopes of the Spanish nation. Nor has the superiority of the British name been more conspicuous in any instance, than in those extraordinary efforts of courage, in the cause of humanity; the intrepidity exerted in the succour of a distressed and vanquished enemy, deserve the gratitude of every

every one who has the honour of his country at heart. In this situation a treaty has been opened with the belligerent powers, and his Majesty assures us, that so considerable a progress has been made, that he hopes in a short time, to be enabled to inform his Parliament, that it has ended in terms of pacification. Such, undoubtedly is the expectation of his Majesty: but if, contrary to appearances, the desire that has been shewn for peace, should not meet with the return from our enemies that may reasonably be expected; if, instead of inclining them to terms of pacification, the moderation of Great Britain should only revive the ambitious designs of our enemies, his Majesty will then feel himself under the necessity of calling upon the public, for farther supplies, as the only defence against that formidable combination which will appear to point its whole force at the very existence of this country.

The warmest and most affectionate recommendations of his Majesty have not been wanting, to enforce the necessity of that consideration, important above all others; the lessening of the national expences by the strictest œconomy in every department. An attention to this alone, must be the source of future wealth and future strength; and the progress that has been already made will be to little purpose if Parliament lose sight of the object. Mr. Yorke observed, that he was in the hearing of an honourable gentleman, [Mr. Gilbert,] who had great merit for the pains and attention that he had bestowed during the course of the summer, upon the investigation of the different employments of the King's household. Many complaints have been uttered of the hardship done to individuals, in depriving of small places persons who have no other means of subsistence, and who having enjoyed them for a series of years, have been used to consider them as their life-rents, as their estates on which they could depend. He trusted therefore, that whenever the subject came under the consideration of Parliament, or of his Majesty's Ministers for the purpose of being laid before the House, if there appeared cases of peculiar hardship, that they would suffer the places to remain during the lives of the present possessors, especially where the places themselves were inconsiderable, and the possessors advanced in years. His Majesty assures the House, that in consequence of the regulations in the establishment, his expence shall not in future exceed his income. On that ground, the House will conceive it highly proper to discharge the civil-list debt, and to comply with his Majesty's gracious wish, in repaying the public, from the annual savings that

are to be made by the reforms. Of the many important objects recommended to the consideration of Parliament; in his Majesty's speech, the scarcity of corn is a circumstance which calls for their serious and immediate attention. The regulation of internal police is an object to which the early attention of the Legislature should be directed. For, as the power and riches of a great state, depend upon its trade and public revenue, these depend upon the morals of the people, and upon that industry which is the best means of reformation and its best security. It is not enough that Government neither invades property nor forces conscience, because too many in the mass of mankind are to be found without either; and the indigent will always be ready to disturb, and the profligate to betray. In a political view, therefore, morality is only another name for public order; and that compassion, public or private, which tends to promote industry, tends to promote the health, the order, and the morals of the people.

With respect to Ireland, his Majesty trusts that the liberal measures adopted towards that country will insure a continuance of that harmony between the two countries which is so essential to the interests of both.

In alluding to a very important topic, which his Majesty recommended to the consideration of Parliament, viz. the East-India affairs, Mr. Yorke conjured the House, whenever they proceeded upon that business, to enter upon it with temper, diligence, and perseverance; and that gentlemen would not suppose, that because they had not given themselves the trouble of reading the reports of the two committees, they were incompetent to decide upon any question that related to the East-Indies; if that were the case, a very important part of the business of the session would be done in very thin houses.

After apologising for having taken up the time of the House, and for undertaking an office for which so many others were infinitely better qualified, he concluded by moving for an address of thanks to the King, and his motion, as usual, was almost an echo to the speech.

Mr. Banks.

Mr *Banks* rose to second the motion for the address. At the end of the last session of Parliament he said, the question of the independence of America, stood in the way of a peace, but that obstacle was removed and done away. His Majesty had declared from the throne, that offers of independence had been made to America. That a peace was much wished for, he believed, no one would deny. He therefore, rejoiced most exceedingly, that his Majesty's Ministers had not only made a considerable progress towards it, but had advised his Ma-
jesty

jeſty to declare, that he hoped in a little time to be able to announce, that a general pacification had taken place. In obtaining this, the honourable Gentleman was glad, that no ſacrifice would be made in granting the independence of America. By granting the independence of America, Great-Britain would give up nothing. America had long been independent, and it was not poſſible for us to make her more ſo. But although, ſo great a diſmemberment was made, he truſted the connection between Great Britain and America would not be at an end. America talked the ſame language, and had her intereſt too ſtrongly interwoven with that of Great Britain, not to make them for ever one and the ſame people, and give to her the greateſt part of her commerce. The honourable gentleman repreſented the late campaign as a moſt glorious one to this country. We had conquered in the Eaſt-Indies, and our ſuperiority in the Weſt-Indies was well known; the gallant defence of Gibraltar was equal to any thing: Lord Howe had been able to relieve the gariſon, and had offered battle to the combined fleets of France and Spain. Yet this, in his opinion, was no argument for continuing the war. We had met with ſucceſſes, but of what kind had they been? The victory obtained over Count de Graſſe, by Lord Rodney, had been noble, indeed; but had the French purſued the object they had in view, inſtead of fighting us, which they ought to have done, the iſland of Jamaica had been loſt; and the ſucceſſes of the preſent campaign, though they certainly had been brilliant, would hardly induce the enemy to be leſs animated in their exertions againſt us in the next campaign. Gibraltar had indeed been ſaved, and had been proved to be impregnable; but ſtill, the enemy might, and in all probability would, be urged to a continuance of the war, for the poſſeſſion of that and other objects of their hearts.

It had been ſaid, indeed, and very generally ſaid, that our enemies were not very powerful any more than ourſelves; that the French were very much ſtraightened, and by no means in a humour to proſecute the war. But to this he gave very little ear, and even were it true, he would by no means uſe it as a reaſon for putting peace aſide. We ſhould gain but little by the deſtruction of our enemies, if in effecting it our own ruin followed. In his opinion, a peace was to be made and ought to be made. Our ſituation demanded it; a great deal was due to national honour, and to national ambition; but he thought much more was due to national credit. We were plunged deeply in debt, and it behoved us to diſcharge it.

National credit did not consist so much in point of treasure, as in the regular observance of our public faith in the discharge of debts for which it was pledged, and he observed with great pleasure, that part of his Majesty's speech, which held out a hope, that a plan would be proposed for the regular and progressive diminution of our debt. To this end, he thought a peace was to be procured on the best terms that could be had. In considering this, we were not to expect such conditions as if we were in a prosperous state, or as if the war we had been carrying on had been a glorious one. The honourable gentleman complimented, in very warm terms, that part of the speech which held out rewards to those who might most distinguish themselves in the public service, and represented the gallant behaviour of General Elliot, in defending Gibraltar, as doing both him and his country the highest honour, whether we considered him as a soldier, or a man of humanity: but great and splendid as this was, he did not think it was enough to encourage us to persevere in the war. A peace was the only thing that could save us; and in making this, great sacrifices must be made, for national honour was national faith and credit, and our debts were at all events to be discharged. Our ambition was not to stand in the way of a peace; we were not to hesitate about giving up this place or that place, merely because it had a name, or had distinguished itself in a peculiar manner. If in making a peace, sacrifices were necessary, sacrifices ought to be made, and above all, in the concessions which we should have to make, we ought to be anxious to put our pride out of the way. If there was any post which was kept as a post of honour more than a post of utility;—if there was any place which we kept as a mark of superiority more than as a possession of advantage;—a place which cost us more in keeping than it was worth;—if there was a place which in particular hurt the pride of the enemy;—which was the object of their ambition and desire;—that which would instigate them to go to war, and provoke them to continue in it:—surely that of all others was the place, which in such circumstances as the present, ought to be ceded; particularly, if by so doing, it was in our power to gain a solid and permanent peace; and also, perhaps, to gain territories in exchange of more intrinsic value to us as a commercial people.

The honourable Gentleman commended the oeconomy recommended in his Majesty's speech, and said, that without every attention to it, we were totally undone. It was not only

only oeconomy that we had to observe, but parsimony in the extreme; nay, it should be avarice;—nothing short of it would do. The expences of the war had plunged us head and ears in debt;—it had increased the national burthen, not less than eighty millions, and every one knew, that the interest on this was three millions a year: this would, at once, shew the necessity there was for a speedy and effectual reformation in the public expenditure. He congratulated the public upon their having this great national object recommended, at a time, when it would come under the consideration of one (Mr. Pitt,) whose virtues and abilities kept pace with one another; and who, while he attended to reform abuses in the expenditure of public money, would never press that reform to the ruin of individuals, who had nothing to subsist upon but that income of office, which had always been considered by them as their support through life. He therefore trusted, that whatever reforms were made, the persons at present in office might continue in their situations. The honourable gentleman sincerely hoped for every retrenchment that could be made; but was of opinion, that, unless peace should soon be brought about, there would not be any office left us to make any reforms in. As to the peace which his Majesty's speech so much promised, he thought the permanency of it was as much to be wished for, as the speediness with which it was to be hoped it would be made. He took notice of the mention made in the speech, of East India affairs, and doubted not, but that the House would, when they came under consideration, deliberate upon them with that temper and moderation which could alone give efficacy to their proceedings. The honourable gentleman spoke upon several other less important heads of the speech, and concluded, by seconding the address that had been moved by his honourable friend.

Mr. Fox rose as soon as Mr. Bankes had ended: he said, Mr. Fox. though he did not mean to give any opposition to the Address that had been just moved, or to propose any amendment to it, still he did not think that it would be proper for him, at so important a crisis as the present, to let the first day of the sessions pass over, without some remarks on a subject of the greatest magnitude. He could have wished that it had fallen to the lot of some other person to have taken the lead that day, on account of the situation in which he stood, and the suspicions which he was above denying he entertained of some of his

his Majesty's Ministers. That situation, and those suspicions, might incline the House to think that he meant, by rising thus early, to oppose the measures of Government, right or wrong, and to obstruct their measures at any rate. He disclaimed all such intentions. Whatever might be his situation, and whatever his suspicions, he should support the present Ministry in all things in which he thought they were acting for the public good ; and he rose now for the purpose of making some remarks on the speech from the Throne ; with some parts he was well pleased, and he did not mean to give any opposition to the rest, or to propose any amendment. There were some things in the speech which particularly struck him, and some things also in the speeches of the two honourable gentlemen who moved and seconded the address, particularly the latter. And first, he would take notice, that in the very out-set of the King's speech, which, according to parliamentary custom, he must consider as the speech of the Minister, there was an inaccuracy in point of time, which he was willing to look upon merely as the effect of inattention, and not of design ; where it was stated, that since the last sessions of Parliament, his Majesty had lost no time in giving the necessary orders for putting an end to the war on the Continent of America. If this date of the orders had been correct, it would have been the strongest proof of guilt in him, and in those with whom he had had the honour to act in his Majesty's councils, for having so long delayed to send out those orders, which Parliament had pronounced to be so necessary ; but in fact, they had been issued long before ; this much he thought necessary to premise, lest the character of a noble friend, now no more, and his own, should suffer by an imputation, that orders for putting an end to offensive operations in America had not been sent till after the recess of Parliament. [The Chancellor of the Exchequer interrupted him for a moment, just to assure him, that, upon a careful perusal of the speech, the honourable member would find that there was not so much as a shadow of ground for any such imputation.] Mr. Fox again observed, that he had not a doubt but such an imputation might be drawn from the speech, though he was convinced that there had been no inreption in Administration that the speech should convey it. For the words of the speech were, " Since the close of the last sessions, I have employed my whole time in the care and attention which the important and critical conjuncture

conjuncture of public affairs required of me," — and in direct continuation, — " I lost no time in giving the necessary orders to prevent the further prosecution of offensive war upon the continent of North America." If language was to be understood in its common acceptation, this certainly meant that this important fact was done since the last sessions, and consequently since he and his friends had left his Majesty's councils; and by the same strain of language, all the other concerns mentioned in the speech seemed to take their origin from that date. This certainly was so; but he hoped and trusted it was so by inadvertancy only.

As [to the provisional articles of peace with America, it was impossible for him, at this moment, to approve or condemn them, because he was utterly unacquainted with them; but he would take it for granted, that the independence, the unconditional independence of America was recognised by the first article. The great difference between him, and the present Minister on that head, was, that the latter wished that the independence should be the *price* of peace, while on his part, he was of opinion, that no barter should be made; but that Great Britain should, in a manly manner, recognise at once that independence, which it was not in her power to check or overturn. For this he had two reasons: one was, that it would appear magnanimous on the part of England, and inspire America with confidence to treat with us, when we should set out by irrevocably granting her independence a confidence which she could not feel, if this independence was to depend on other measures, which were not yet agreed to: his other reason was, that by a provisional treaty (to take place when France and Great Britain should have settled terms of peace with each other) the very preliminary article of which was an acknowledgment of American independence, England and America should have so completely determined all their differences, that nothing more would remain to contend for between them; the two countries might then be said to be virtually at peace; or if America should continue the war as the ally of France, it would be a war so very like a peace, that France deriving little or no advantage from it, would be the more easily induced to think of peace, and be the less forward to propose harsh or dishonourable terms to this country. These were the reasons by which he was influenced to advise the recognition of unconditional independence; and he was the more surprised to find that Ministers had been so tardy in making peace with America by a provisional

visional treaty, when the same happy effect might have been produced months ago, if unconditional independance had been earlier offered : — for his part, he was unable to account for the delay : when his Majesty had given him orders to write to Mr. Grenville, at Paris, to authorise him to offer independance unconditionally to America, he obeyed the orders with a degree of pleasure, which could be equalled only by that which he felt, when he read the letter of Lord Shelburne to Sir Guy Carleton, in which the words of the letter to Mr. Grenville were recited ; when he read that letter, he carried it with pleasure to the late Marquis of Rockingham, and with joy told him, that all their distrusts and suspicions of the noble Lord's intentions were groundless ; but his pleasure on that occasion was not of long duration ; for even before death had removed the noble Marquis from the Treasury, Lord Shelburne began to speak of the dreadful consequences that must ensue to this country, if America should be separated from it : and gave a decisive opinion, that the letter to Mr. Grenville, and the recital of the same to Sir Guy Carleton, were not an unconditional recognition of American independance, but a conditional *offer* to be recalled in certain circumstances. This gave me suspicion, says Mr. Fox, which I could not conceal ; for in writing the letter to Mr. Grenville, I had chosen the most forcible words that the English language could supply to express my meaning ; as far as I can recollect they were these, or exactly to this meaning : “ to recognize the independance of America, *in the first instance, and not to reserve it as a condition of peace.*” When he saw the recital of these words in the letter of the Earl of Shelburne to Sir Guy Carleton, all his doubts vanished, and he was completely relieved. What, then, must be his astonishment and torture, when in the illness, and apprehended decease of the noble Marquis, another language was heard in the Cabinet, and some even of his own friends began to consider these letters only as offers of a conditional nature — to be recalled if they did not purchase peace. I considered myself as ensnared and betrayed ; I therefore determined to take the measure by which alone I could act with consistency and honour — I called for precise declarations — I demanded explicit language — and when I saw that the persons, in whom I had originally no great confidence, were so eager to delude, and so determined to change the ground on which they had set out, I relinquished my seat in the Cabinet with the heartfelt satisfaction of having maintained my principles unstained, and

and with the prospect of being able to do, by leaving it, what I could not accomplish by remaining there. His hopes and expectations were fulfilled, just as he had apprehended and stated to that House; he had been able to persuade his Majesty's ministers to the discharge of their duty, more effectually in that House, than he was able to do in a private room. Thank Heaven the measure was now taken, the deed was done, and done, he hoped, in the most effectual way, and he agreed with the honourable seconder of the address, that in doing this we gave away nothing. The independance of America was acknowledged by his Majesty's Ministers; and though it had been said, "that whenever this should happen, the sun of England would set, and her glories be eclipsed for ever," yet he was of a contrary opinion, and he would defend the Earl of Shelburne against any Peer who should hold such language. He had set his hand to sign the independence of America, although it had been insidiously said, that *it would be the ruin of his country, and that he would be a traitor who should do it.* But if any Peer should dare to impeach the Earl of Shelburne for having done this, I, says Mr. Fox, will stand up his advocate — I will defend him against all such artful and insidious charges — I will hold him harmless, and protect him from the accusation of *having dared to give away the rights of Great Britain*; and pledge myself, that the recognition of the independance of America, shall not be *stained with the blood of the Minister who should sign it.** Quitting this strain of irony, the honourable gentleman said, that the Earl of Shelburne had done this important matter even after all these sayings, and thinking as he did, that it was so wrong, and so alarming, — he could not avoid, on this occasion, applying to him a distich, which he had read in a ludicrous poet :

You've done a noble turn in Nature's spite,
For tho' you think you're wrong — I'm sure you're right.

There were some expressions in the speech, which though he did not intend to find fault with, he would have been as well pleased had they been left out; and these were the expressions of the concern felt by his Majesty, at the idea of renouncing the claims of this country over America: it would have been surely much better, that his Majesty had been advised boldly and manfully at once to give way to necessity,

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* Expressions of the Earl of Shelburne in the last Sessions. Vide Lords Debates.

and not to express so much dejection at parting with the sovereignty over a country, which it was no longer in his power to assert and maintain ; but much as he disliked these expressions, he was as much pleased with those others, in which his Majesty indulges the philosophic speculation of prospects of future connexion with America, from similarity of language, manners, religion, and laws : for his own part, he did not doubt but the day would come, when by a firm alliance between Great Britain and America, the courts of France and Spain would wake from their idle and illusory dreams of advantage, which they think will follow to them by the separation of America from the mother country ; through that alliance the sun of Britain might rise again, and shine forth with dazzling lustre. But to induce America to confide in us, we should convince them, by the most open and unreserved conduct, that we mean fairly, honestly, and sincerely by them. He was always of opinion that it was not right, in our present circumstances, to think of treating with America, by way of bargain for her independence. He conceived, that the only method of acting, which was at once political and wise, was to behave with manliness and generosity ; and shew them that there was still a disposition in the government of this country, to treat them with the nobleness of Englishmen. This was his idea, when he sat at his Majesty's Council Board, and this was the conduct which he had recommended ever since he perceived that we should soon come to the necessity of recognizing their independence, either with grace, or by compulsion ; but he was afraid that ministers would act in such a manner as to create suspicions, even where they meant to act honestly. For instance, in the Secretary of State's letter to the Lord Mayor, the Colonies were very properly stiled the United States of America ; and as he made no doubt, but in the provisional treaty they were so declared, he expected to have heard them called by this name in his Majesty's speech ; and the disappointment he felt on that occasion gave him the more concern, as he perceived there was even now a backwardness publicly to avow and acknowledge, what he trusted and hoped was already done in the treaty, the Independence of America. Surely if it was thought proper to call them by their proper name, in the letter of the Secretary of State, it would not have been unfit to call them so in the speech ; surely his right honourable friend did not mean to defraud his master of the merit of conciliating the hearts of the Americans,

Americans, and binding them to this country by expressions of grace and kindness. He was sorry that his Majesty's Ministers had not advised their royal Master to make use of a language more dignified and becoming, than that which they had put into his mouth.

He was sorry that the speech held out no prospect to this country of alliances to support her, in case she should be obliged, by the unreasonable exactions of France, to continue the war. He hoped that there was no neglect in so important a branch of a Minister's duty, as that of making friends and allies; and yet he could not think, that if we were at this moment without friends, it was for want of a good disposition towards this country in some of the most powerful states of Europe. It was true, that while the old Ministry were at the head of affairs, there was not the least ground for hope that any power would make a common cause with a country that was ruled by madmen; but he was surprised that, when the nation had come to its senses, and driven these madmen from the Cabinet, the friendly disposition of some of the great Courts of Europe, to England had not been courted with success. He himself had not been long in office; but, short as the time was, it was long enough to convince him that England was not destitute of powerful friends in Europe, whose friendship might have been cultivated with success, and improved to the great advantage of this country.

Peace to him appeared a most desirable object; but much as he wished for peace, he certainly would not go the lengths to obtain it, the honourable Member who had seconded the motion, seemed willing to go: what that honourable Member had said on the subject, had cast a melancholy gloom upon his mind; and he hoped that it was more from imagination than from information that he spoke: no man felt more the deplorable situation of the country than he did; but he did not think that the most effectual way to incline the enemy to a disposition towards a favourable and equitable peace, was to tell them that we were so completely reduced that no terms could be too hard for us to digest; that our resources were so dried up, that economy could scarcely enable us to bear up under the heavy burthen heaped upon our shoulders; nay, that parsimony could scarcely do it; and that hardly any thing short of avarice could save us from sinking; he himself was not sanguine in his hopes of finding great resources in this country; but he was not yet so desponding

sponding as to say, that he would not rather carry on the war still longer, than submit to a dishonourable peace: it was not, indeed, to be expected, that we could treat advantageously; but our situation was not so desperate, as that we ought to accept of dishonourable or unreasonable terms: before the provisional treaty with America, we had four powers to contend with; but as he must from the signing of the treaty pronounce the American war to be at an end, so he thought we ought to derive fresh courage, when we should be able to spend in operations against the three remaining hostile powers the four or five millions that used to be spent on the continent of America: for he thought that the provisional agreement, if it did not actually give us peace with America, would give us something so like a peace, that we might freely employ the troops now in America against the other powers.

The honourable member was not satisfied, it seemed, with the idea of subscribing to any terms of peace, merely for the sake of getting peace; but he consulted the durability of it, and seemed ready to sacrifice every thing in order to make it lasting: now he was of a different opinion; for in making disadvantageous peace, he would not for a moment think of its durability, but attend solely to the object of availing himself of the opportunity afforded by the cessation from hostilities, to cultivate the friendship of some of the great powers of Europe, and to make such alliances, as would enable him to go to war again with greater prospect of success. The honourable member, after praising the conduct of General Elliot and Lord Howe, in their gallant defence and relief of Gibraltar, threw a gloom over the minds of all that heard him, by hinting at the possibility of this important fortress being about to be ceded to the enemy. He could not easily express how much he was struck with this alarming hint, and he hoped that in this he spoke merely from speculation, and not from authority; for the possession of that fortress and harbour was invaluable to this country, though some people of late affected to say, that it was of no farther use to us. In former wars its value was often felt; and if, in the present war, the old Ministry had not been as dastardly as they were now, perhaps all the calamities of this war might have been prevented. If a fleet had been stationed there in time to watch the Mediterranean, Comte d'Estaing never could have got to America, to give that assistance to the Colonies, which has since secured to them their independence: but the misfortune of this country was to have Ministers at that time,

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who, while they spoke in the most lordly terms to America, and insisted that she should be reduced to unconditional submission, were endeavouring to cajole the Court of Spain; and refrained from sending out a formidable fleet to Gibraltar, because they conceived that the King of Spain would take umbrage at seeing a fleet in the Mediterranean: but had the measure been adopted, there would have been little reason to be apprehensive of any bad consequences from his resentment, for then we should have had it in our power to prevent the evil that a union of the fleets of France and Spain must always threaten this country with. To cajole an enemy was surely not the way which a powerful and wise nation would seek their security. They would break their strength; they would crush their rising efforts; and a sagacious ministry would always employ Gibraltar in dividing France from France, Spain from Spain, and the one nation from the other. But though this measure was not adopted, from which the most solid advantages would have flowed, still it must be admitted, that even in the present war, Gibraltar had been of infinite use to this country, by the diversion of so considerable a part of the force of our enemies, which, employed elsewhere, might have greatly annoyed us. But, said the honourable member, "Spain having seen the folly of attempting to reduce that fortress, may never again be tempted to invest it, and therefore it may never again occasion a diversion of her force." This was a mode of reasoning that experience did not seem to justify; he had, in general, too great a respect for Princes to speak lightly of them: but there might be near the heart of every Prince a longing after something which could not be removed but by the attainment or possession of that something; a thousand disappointments might not be able to convince him that his longing could never be gratified. Those who knew the history of this country for the last nine years would be ready to agree with him, that it was not easy to convince men of their follies, even when they were proved to be so. We had in this country continued for eight years to war in America; and yet the misfortunes of each preceding campaign, which ought to have made us wiser, by convincing us that we were engaging in a ruinous pursuit of an object which we could never attain, had not till lately wrought that effect: and what should hinder us to think that the King of Spain might not persevere zealously in the longing for the reduction of Gibraltar, as a Prince nearer home was taught to pant after the phantom of unconditional

was but decent to give that tribute of applause which was so justly due to the present Admiralty. He had often spoken in desponding terms of the state of the navy, when it was surrendered up by the last Admiralty; but desponding as his language was, it did not express half the despondency he then felt: what then must have been the exertions of the noble Lord now at the head of the naval department of government, when he had fitted out a fleet that was able to brave the combined fleets, from which we used in preceding campaigns to fly? It had been the astonishment of Europe, and had given such advantages and brilliancy to the present campaign, as would and ought to be felt in the making of a peace.

He next touched upon the present Cabinet, and observed, that though he disliked its construction, there was some of its constituent parts against which he could have no objection; for he knew that though one member of the Cabinet might promise a great deal more than he intended to perform, there were others who would hold him to the performance of his promises: as to himself, he believed he really was of more service out of office, and debating in that House, than he could possibly have been if he had remained in the Cabinet; for he found that those measures, which, while in office, he recommended in vain to the Council, were readily adopted when he laid down his employments.

He was entirely of the opinion of the honourable gentleman who seconded the motion, that a peace was to be procured if possible; but surely the Minister knew that he had the means of supporting war. The number of men which he found "riding in hackney coaches, crowding the streets, and travelling the Bath road," shewed him that the nation was not exhausted of resources, but had yet the means of supporting the war, in case our enemies should be disinclined to an honourable and fair peace. He was for peace in preference to war. It was not the policy of this nation to go to war for territory, from the lust of more dominion, or the love of power. He would be as moderate in his desire of new acquisitions, as he would be determined in his resolution to keep what we have.

He adverted to the reports of large voluntary gifts to government by private individuals. He said, he admitted and admired the public spirit and generosity of the persons who made the offers; but he begged leave to lay in his protest against their legality; and he conceived that the compliment paid to them in the speech was ill judged and improper.

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He conceived, that according to our constitution, no money could be received by the executive branch, and applied to the public purposes of the nation, which did not pass through the hands of Parliament, and had not the sanction of the Commons of England. Such aids were contrary to the very essence of our constitution; for by such benevolences, Government was entrusted with money which came not under the check and controul of Parliament. This question had been agitated some time ago in that House, brought on by an eminent lawyer, now a member of the other House, and one of his Majesty's cabinet counsellors, (Lord Ashburton) by whose arguments he was thoroughly convinced of the illegality of benevolences, and gave his vote on the question accordingly.

He hoped and believed that the prospect held out in the speech, of attention being to be paid to our East-India concerns, would not be delusive. He deemed the national honour pledged in this business; and he trusted it was not intended by any sophistry to depart from the resolutions already come to concerning it. The learned Lord, who had been indefatigable in pursuing this business, had received his countenance and support while in place, and he trusted that no change * in either of their situations would occasion any difference of sentiment and conduct.

He assured Ministers that he did not mean to give them any wanton opposition. He would support them as far as he could with honour and duty; and however he might object to the constitution of the Administration, and however he might suspect the sincerity of some among them, yet he could not think that any thing very hostile to this country could be formed, while he saw in that Cabinet some men of whose virtue and integrity he entertained so high an idea.

He concluded with taking notice of something that fell from Mr. Yorke, with respect to the reformation in public offices, and the distress it would bring on individuals if their salaries were not continued during their lives. He was sure his honourable friend who first brought about these reformati-
 ons did not mean that any person should suffer by them; that the intentions of his honourable friend had been greatly misrepresented in that particular; and if such cruelties were intended, they were to be ascribed to those who had the execution of the arrangements. He trusted, he said, that he should soon see the provisional articles laid upon the table; till which

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* The Lord Advocate being appointed Treasurer of the Navy.

time he begged to be understood, that the vote which he gave on that day, he gave in the persuasion that those articles contained a full and final renunciation of the independence of America: and he begged also to be understood that he pledged himself to no other object than that, nor possessed any high opinion of the other parts of the speech, delivered from the throne.

Governor
Johnstone.

Governor *Johnstone* said. he had no proposition, to make, nor any amendment to suggest; he was unacquainted with party, and stood up to declare his single opinion on a point of the utmost importance to this nation. He said, that however other gentlemen might feel, he was not disposed to deliver up the dependence of America without a condition. He was much surprised that the honourable member who spoke last, should be sorry that his Majesty had expressed how strongly he felt the sacrifice he made to the opinion and wishes of his people, in giving way to the independence of America: there was nothing more natural, than that his Majesty should feel the greatest concern at the dismemberment of so considerable a part of his dominions; the Colonies were planted by British subjects; they were cherished and fostered in the bosom of Britain; they were defended and maintained at the expence of her blood and treasure; and could it then be surprising that the breast of an amiable Sovereign, should feel a pang at the separation from so great a number of his subjects? The independence of America he feared, was now so firmly established, that it would be difficult to withstand the recognition of it: but if he were asked by whom that independence had been established, he would not hesitate to answer—by the honourable member who spoke last. He did not know whether the Americans would erect a statue to him; but he did not believe that his countrymen would feel themselves under any obligations to him; for the independence of America must be the ruin of our West India islands.—The honourable member seemed to rejoice that America was not to be reckoned any longer in the number of our enemies; but did he know that? Was he sure that their ships and privateers would be restrained from attacking our trade? If they were not, our commerce would be ruined; for if New-York was abandoned, and our men of war ordered away from the coast of America, he could not conceive, how our trade in the West Indies could be carried on. He had an objection to that part of the speech, from which it was easy to deduce, that the independence of America was granted, or to be granted

granted; and his objection was this: this recognition of independence was to be approved of in the address, as far as it was stated in the speech: now he was an enemy to this mode of carrying so important a business through Parliament by a sidewind: the independence of America was a subject of such moment to the people of Great Britain, that surely one day at least might be allotted and set apart for discussing that great question by itself, and taking the opinion of the people, whether they had rather agree to that measure, or prosecute the war. He denied that his Majesty was authorised by the resolution of that House in the last session of Parliament;—he must come to his Parliament for their concurrence;—the legislative authority of this country must not be flung away without the consent of that legislature; and therefore, he would pledge himself to no approbation of this provisional agreement until he saw what it was. As to Gibraltar, no one could go farther in praise of the gallant hero who had defended it than he would do; he raised to himself, by his bravery, his zeal, his judgment, and his humanity, a monument that would last till time should be no more. Of the conduct of the noble Lord, who had thrown succours into that fortress, he could not speak in the same terms of panegyric; the noble Lord had deserved well of his country on many occasions, and stood deservedly high in the esteem of his grateful fellow-subjects, for services performed on former occasions, but his conduct on the last expedition, did not come up to the opinion that had been entertained of him; in the business of the transports, there were accidents and misfortunes which he did not mean to impute to the noble Lord; but in the affair of the engagement with the combined fleet, there was a circumstance, which he would boldly affirm to have been disgraceful to Great Britain; for the van of the British fleet, under the command of Admiral Barrington, had put before the wind, and in the morning was four leagues to leeward of the fleet; did any man, who knew Admiral Barrington, suppose that such an officer as he was, would have stirred an inch from the enemy, if he had not been ordered so to do? He would not impute even this directly to the fault of the Commander in Chief, for it was reported, that the frigate, which had carried his orders to Admiral Barrington, had mistaken the orders, and instead of desiring the Vice-admiral to sail two points nearer the wind, directed him to put before it; and thus that gallant officer was obliged to show his stern to the enemy:—At that time the Spanish Admiral bore down within musquet-shot of the Ocean, and the

the French Commodore, his second, had thrown himself between him and the Ocean, and afterwards got considerably to leeward of the latter; in this moment, when the enemy could not be said to have declined an action, the van division of the British fleet shewed their stern to the enemy, put before the wind, and in the morning, were four leagues to leeward of them: thus it was clear, that our ships made four feet to every one made by the enemy; could it therefore be possible, that our Admiral could have declined all thoughts of an engagement, merely because he could not bring the enemy to action? with ships that sailed three times faster than the enemy, he could easily have come up with them. He did not know whether Lord Howe's orders had been mistaken or not by the frigate; but certain it was, that Admiral Barrington had received orders to take the course he shaped. As to a victory gained by us on that occasion, the idea was absurd, he had no conception of a victory, where ships or trophies had not been taken: the honourable member might tally forth from St. James's-street and break as many windows as he pleased, but he could not bring the sober, sedate, and thinking part of the community to believe that Lord Howe was victorious, no more than they could now be brought to think that the 27th of July, 1778, was a proud day for England. But the gentlemen who were loudest in the praise of Lord Keppel, who certainly had often signalized himself before, but not on the 27th of July, affected now to say, that the glorious victory on the 12th of April, was the mere effect of chance, and that Jamaica would have been lost, if the French Admiral had not unnecessarily given our Admiral battle, instead of pursuing his voyage to the Cape. It was well known however, that from the superiority of Lord Rodney's ships in point of sailing, he must necessarily have come up, either with De Grasse's transports, or his men of war; in either case he would have defeated the object of the expedition, and saved Jamaica. In coming up with the men of war, he gained the victory by a new and bold manœuvre, of breaking through the enemy's line; and yet after this service he was recalled by a grateful Administration. He concluded with a few observations relative to the state of the coin, (alluding to the mention made in the King's speech, respecting the mint) and he advised a new coinage of silver, as the best way to prevent the practice of felonious coining; for when the temptation should have been removed, he was of opinion, that this practice would of course expire.

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Mr. Secretary *Townshend* said, that as no direct opposition was made to the Address which had been so ably moved, and so ably seconded, he did not think himself called upon to take up much of the patience of the House in defending it. He thanked the honourable gentleman on the other side of the way, who, though he sat on the other side of the House, would still give him leave, he hoped, to call him his honourable friend. His conduct on that day would do him great credit with his country, in having so honourably declared his intentions of supporting, as far as he could, the measures of his Majesty's Ministers, at a time when unanimity was so essential to our happiness. With respect to the circumstance to which the honourable gentleman alluded, of the construction of the Administration it was not, he said, perfectly consistent with the confidence which he expressed in them, at the end of his speech. What was there dangerous in the construction of the Administration? That one part of them would profess more than they meant to perform; and that his reliance was, that there were some others whose honour and integrity would carry into execution the professions of the others. He could aver, that he had no reason to think that the person, to whom the honourable gentleman alluded, had acted with duplicity. He had, for the whole of the time that he had been in office, seen no one thing in that noble Lord's conduct, which gave him reason to suspect the integrity of his professions: but he must, at the same time inform the House that he had seen, from his correspondence with foreign States, that the reports industriously circulated of the duplicity of the noble Lord had had a material effect on the Continent, and had been the means of retarding the treaty with the Americans. The honourable gentleman had found very little fault with the Address which had been moved. He had fairly said, that peace was the object which we ought to pursue with earnestness; this was the opinion of his Majesty and of his Ministers, and he was sure that they would be indefatigable in the pursuit. That we could not expect to procure terms as advantageous as we might have done in the case of a triumphant and glorious war, must strike every one; but still he was of opinion, that the relative circumstances of the belligerent powers would entitle us to terms honourable, and such as every man must acknowledge to be advantageous. The last campaign, as the honourable gentleman had observed, was truly brilliant, and in particular the defence and relief of

of Gibraltar had exalted the military and naval glory of this country to a high and most enviable pitch. An honourable gentleman had chosen to differ from the rest of mankind, in respect to the conduct of our fleet in that expedition. That his motives for his declarations were honourable, he made no doubt; that his opinions were sincere, he must also believe; but that he was the only man who arraigned the conduct of the noble Admiral, was also true; and he must pay respect to the testimony, which professional men, who saw his conduct, and to enemies who were generous and just, gave to his talents, skill, and spirit on that occasion. The honourable gentleman over the way had mentioned the testimony which one foreigner, his correspondent, had given to the glorious conduct of Lord Howe; and to this he could add, that, in his official correspondence, he found that foreign nations had looked on the conduct of the fleet of Britain, in the relief of Gibraltar, and in their interview with the combined fleets of France and Spain, so superior in number, with astonishment and admiration. The character of Lord Howe was advanced in their minds even beyond its former height; and it was not the opinion of the honourable gentleman, whatever might be his motives, which would diminish the reputation he had acquired. In respect to all that had fallen from the two gentlemen who had spoken to the Address, it did not require any further answer; and he was happy in the prospect of unanimity. The last honourable gentleman had said, in regard to the mint, that the method of correcting the abuses of counterfeiting the gold coin, was to remove the temptation. This was exactly what his Majesty's Ministers had in view, and they hoped, by this, to remedy the evil which had been so much and so justly complained of lately.

Commodore
Stewart.

Commodore *Keith Stewart* said, that as the conduct of the noble Admiral who commanded the fleet in the expedition to the relief of the garrison of Gibraltar, had been attacked, he thought it his duty to give his public testimony to the bravery, skill, and behaviour of the noble Lord.—He was present, and had the clearest observation of his conduct through the whole of the voyage. It would not, he said, be necessary for him to go into a professional detail of the circumstances and transactions of the fleet; but in the case of the transports, he could assure the House, that it was a mere accident which had occasioned three or four of them running up into the Mediterranean, by their misapprehension of a signal in the time of the hurricane; and as to the whole of the

the noble Lord's conduct in the case of the action, it was, in his poor opinion, great, manly, and brilliant. He had, with an inferior force offered battle to an enemy, who had the advantage of the wind; and he had maintained the dignity of the British flag in circumstances which would have made a less gallant man tremble for his safety.

Governor *Johnstone* said in reply, that the fact of the transports he had mentioned not as a charge by any means, ^{Gov. Johnstone.} but as a mistake. The circumstance in the action to which he alluded, had not been answered — the fact of Admiral *Bartington's* division having turned their sterns to the enemy, and gone four leagues to leeward. He desired to know if this fact was not so, and yet he begged to be understood that he mentioned this, not as a charge on Lord Howe, as he did not know but this, as well as the case of the transports, might be owing to accident.

Lord *North* then rose, and declared that he had not the ^{Lord North.} most distant inclination to oppose the Address, or move an amendment; he had no material objection to the terms of the motion, and it must be a very consequential amendment indeed, that could counterbalance, in his estimation, the advantages resulting from unanimity, at this most important crisis; he thought it of the last importance that they should lay their sentiments at the foot of the throne, without opposition or amendment. He should not have arisen to offer his opinion on the present question at all, but that some things had been thrown out in the course of debate, by which he was personally affected, and there were some expressions in the proposed Address, that seemed to require explanation. With respect to the independency of America, he was free to acknowledge, that after the calamitous events of war, and the vote passed in the last session of Parliament, he was not sanguine enough to hope a conclusion of the war on terms consistent with the future dependency of our colonies, but at the same time he could not think with the honourable gentleman (Mr. Fox) that a recognition of their independence should be made without an equivalent, nor could he assent to a proposition of the same honourable member, that in such a dereliction of our claim to supremacy we gave no more than they already possessed: True it was they had possession of a large territory, but we had garrisons there which must of course on such an admission be surrendered, and he should never think the formal final renunciation of our ancient right of sovereignty over that country, to be a cession of no value;

he should rather think it an act of such consequence as not to be warrantable without a very material consideration; without at least making it the price of peace. He also differed extremely with that honourable gentleman with respect to the heartfelt regret expressed by the Sovereign on this unhappy dismemberment of the empire. Surely a heart filled with patriotic feelings like that of his Majesty, and most earnestly solicitous for the welfare of his people, could not but experience the deepest sorrow at an act so calamitous to this country. America was not only one of the brightest jewels in the crown; but the most important possession to the commerce of this country, and the royal sorrow was not the ebullition of personal grief for private suffering. The sensations of that royal personage were truly those of a patriot King, and he was assured that his Majesty felt himself much less interested in this sacrifice than his people. His Lordship then adverted to the treaty of peace now in agitation with the house of Bourbon; he was ready to believe that it might be disadvantageous for his Majesty's servants to state the difficulties now standing in the way of that treaty before the House, and, if so, they were commendable for withholding them; when time was ripe for such a communication, he doubted not they would embrace the earliest opportunity of consulting the legislature; but, in the mean time, it might not be improper to declare, that he, for one, would not consent to any terms derogatory to the honour and interest of this country. Certain it was, that our situation was to be regarded, but that of our enemies should also be taken into the account, and such terms agreed on, as, from the general relative situation of the contending powers, were on all sides just and reasonable. To terms of peace, formed upon such a system, he would readily and cheerfully assent, but should France or Spain be arrogant and unjust in their demands, as he had heard it whispered they were, should they require advantages, to which neither by justice nor the event of war they were entitled, he, and he trusted every man in that House, and the nation at large, would unanimously, strenuously, zealously concur in prosecuting the war with vigour. He wish'd Ministers, therefore, to understand most explicitly on what terms they were likely to find unanimous support; it would be found either in an honourable peace, such as our situation entitles us to expect, or in a vigorous war. In regard to the cession of Gibraltar, on which much had been said, he would
not

not go so far as to assert that that fortress was inestimable, or that it ought in no possible case to be given up. If a peace could no otherwise be obtained, he would not positively say that such a sacrifice ought not to be made, but this he must beg leave to say, that the price of it should be a large one, and that Ministers would be totally unjustifiable in resigning a post so honourable, so dear, and so useful to this country, except they get an equivalent in something of the highest importance. He believed there were few things in the possession of Spain that could form an adequate compensation for the loss of Gibraltar; she might indeed give territory infinitely more extensive, and of more intrinsic value; but could she give any other impenetrable fortress? Let Ministers recollect, that this post was now clearly proved an invulnerable one, and consider where we can get another of the same quality. Let it also be considered how extremely solicitous the Court of Spain is to obtain it, and that in every bargain there is to be taken into the account, not only what the seller is to lose, but what the buyer is to gain. He sincerely believed there was no possession of the crown of Spain which would not be given as the purchase of Gibraltar. Whether such a cession was actually in contemplation or not, he could not tell: but he again reminded Ministers that it became them to be cautious, and duly consider the importance of what they bargained for.

His Lordship also adverted to the affairs in the West and East-Indies, and threw out some hints to Administration on the settlement of our interests in those quarters, should a treaty of peace be concluded. France, he said, would not, in his opinion, chuse to treat on the footing of *uti possidetis*. It was true we had lost some islands in the West-Indies, but we had taken St. Lucia, which was an eye sore to the French islands; we had also dispossessed them of their settlements connected with their fisheries on the Banks of Newfoundland, and stripped them of all their continental posts in India: he did not know, therefore, but a treaty on the footing of exchange might be most beneficial to France, and possibly for all parties. An honourable gentleman, who had spoken early in the debate, had said, that the acceding to the provisional terms took America off our hands, and left us but three powers, France, Spain, and Holland, to contend with. He wished sincerely that such might prove to be the fact, but he could not regard it as extremely probable. Impossible as it was for him to enter upon a discussion of terms,

with the nature and extent of which his Majesty's Ministers had not acquainted the House, he could not argue in what manner America could be considered as no longer engaged in a war with us; when she had declared, she could make no definitive peace, till France had agreed upon the terms. He was in hopes his Majesty's Ministers had proceeded with a treaty for a general peace; as that was not the case, he feared this country had tied herself down to make a cession of considerable importance, whenever the war should be brought to a conclusion, without having any equivalent concession on the part of any other of the belligerent powers with whom Great Britain was engaged in hostilities. A matter far different in his idea from the description given it by the honourable gentleman to whom he had alluded, who had called the acknowledgment of the independence of America a matter little short of a present peace with America.

After these and other cursory remarks, his Lordship again, in the most pointed and animated language, cautioned Administration against concluding a peace from timid or desponding principles, or on any terms worse than our situation, liberality, and condition, fairly considered, rendered necessary. We have heard, said he, of suspicions and jealousies; we have been told that a noble Lord high in office is suspected as to his sincerity by the belligerent powers, and that their opinion of him has retarded the conclusion of peace: but let it go forth to the whole world, not as the sentiments of one individual, or one set of men, but of every man within this House, and of the nation at large, that in the question between France and us there is no difference of opinion amongst us. We are unanimous in demanding an honourable peace, or a vigorous war; we will treat with our enemies on fair, equitable terms, but no other; and if they, in the hour of insolence or imaginary power, exact degrading, or hard conditions of peace, we are determined to prosecute war to the utmost, with our lives and fortunes. In the moment, however, that a speedy peace was, and must be the general wish of that House, he begged leave to remind them that we were in a state of actual war, and that every proceeding in Parliament, however directed towards the furtherance of a treaty of pacification, ought to be grounded on the circumstance of our being yet at war; since the only probable means of bringing that war to a safe, a happy, and an honourable issue, was to assure his Majesty, and by that assurance to convince the world, that the Parliament of Great Britain were

were determined to stand by their Sovereign, and support him at all hazards, sooner than accede to any terms of pacification that were in the least degree disgraceful or dishonourable. With regard to the provisional articles that had been agreed upon with America, his Lordship said, the matter did not appear to him altogether in the same point of view in which it was evident it had struck others. It put us not into any precise situation, either of war or peace, which to him was neither very agreeable, nor very auspicious.

He then proceeded to answer Mr. Fox's assertions on the state of the navy. It was a little extraordinary that the same honourable gentleman, who had always represented the state of our naval power as wretched and alarming to the well wishers of this country, and who had, when he came into administration some months ago, drawn a picture of our national defence in that House sufficient to make every man tremble, should now stoutly affirm, that we had a navy able to combat with the united fleets of the House of Bourbon! and that so wonderful a difference should be effected merely by a change in the Admiralty department! All the advantages we had obtained, even the glorious victory of Lord Rodney, was owing to the present first Lord of the Admiralty. He must beg leave to remind the honourable gentleman, that it was late in the month of March, he had some reason to remember the time, when the happy change in Administration took place. On the 12th of April our memorable victory in the West-Indies was obtained; surely that success could not be claimed by the present Board of Admiralty! That it was owing, under Providence, chiefly to the valour and conduct of our brave commanders and seamen; he had no doubt it was certainly true, we had a fleet more numerous and better appointed than that of the enemy, though the honourable gentleman had much about the same time asserted, we were not able to face the House of Bourbon in any quarter of the globe, and since, that fortunate event we had risen in the scale of maritime power. Surely it was in a great measure owing to that cause, for of thirty-four ships of the line under Count de Grasse on that memorable day, eight sail of the line had been taken, three had afterwards foundered at sea, and two were for ever disabled, nine more of their ships had been obliged to return to Europe for repairs, and twelve more now repairing in Boston harbour, in a miserable situation. But it had been said, "great diligence had been used in fitting out new ships:" — he did not doubt

doubt it; but by what means could so great an addition be made to our navy in one summer, as ships could not spring up like mushrooms in a night, unless the former Admiralty, by their preparations of ships and stores, had led the way to it? He wished to detract from the merited commendation of no man, but only that praise should not be misplaced. He would say to the present naval Alexander, "True, you have conquered; but you have conquered with Philip's troops."

His Lordship explained in what manner he understood two passages in the speech and address to which he was about giving his assent. The first was, that when his Majesty ascribes his acknowledgment of American independence to compliance "with the wishes and opinions of his people," that such a concession was not his own wish and opinion, or that of the people at large. His Lordship said, he did not mean by his concurrence with this address to admit, but he understood this passage as attending merely to the vote of that House, which, in empowering his Majesty to treat with America on the footing of independence, clearly conveyed such a wish; and, as he was always of opinion that the voice of the House of Commons should be taken by his Majesty's councils for the voice of the people, in that sense the passage in question was justifiable. The other part requiring explanation, was a plaudit inserted in the address of those measures that had been adopted for restoring peace with America, and to this too he had no objection in his own acceptance of it. He was ready to thank his Majesty for concluding a provisional treaty, as a step apparently tending to a final pacification: but as the terms of that treaty had not been communicated to the House, he desired to be understood as giving merely a general, not a particular, approbation to it, reserving to himself full power, without any imputation of inconsistency, to oppose or disapprove hereafter the conditions of it, when they should be divulged; and here his Lordship took occasion once more to speak his sentiments on the negotiation with France. He held forth again, in the most spirited language, the alternative of honourable peace or vigorous war. All private feelings, said he, give way with me, and I doubt not with every member of this House, in a question between my country and her enemies. Whatever dislike or hatred I may entertain of any individual fellow-subject, he or my deadliest foe, is dearer than a brother, be he French, Spanish, Dutch, or even American, whose sword is drawn against

against the interests of my country. True, we might have divisions among ourselves ; there might be distinct parties, and internal contentions about abstract questions of constitution, which heated the minds of men, and gave rise to much debate and no little animosity : but in the great question between Britain and her enemies, there was no division, no party, no contention ; they were but one man, they spoke with one voice, and so they authorised their Ministers to tell their enemies. The right honourable gentleman had said, that we gave away nothing, in granting the independence of America. He, for his part, thought the solemn avowal of that independence, on the part of Great Britain, a very melancholy, a very serious, and a very important matter ; and he hoped, when the time came that the provisional terms upon which it had been conceded were laid before Parliament, it would appear that Administration had taken care to mark out proper boundaries, agreed upon between Great Britain and America, so that this country might derive some advantages from her remaining possessions on the American continent. Charles-town, Savannah, and New-York, he took it for granted, were already evacuated ; care ought therefore to be taken to prevent the American army from turning its force upon Canada : and if we had tied ourselves down to certain terms tending towards a peace with America, he hoped something had been done to prevent our having granted more than we obtained, or given away what we should find we ought not to have parted with. With regard to the enormous size of the national debt, undoubtedly it was an object worthy of attention, and the sooner it was lessened the better : but no debt, no distresses, ought to induce us to accede to a peace, the terms of which were unreasonable or improper in our present situation. It had, he knew, been hinted, that France had made exorbitant and unjust demands. In negotiating peace, it behoved Ministers, as he had said, not merely to look at our own distresses ; they ought to examine and compare the respective situations of each country, and from a view of the whole, and a well-digested balance of the state of each, to form the grounds of treaty. The success of the last campaign had been great and glorious : it was now evident, we were nearly, if not quite, upon a footing with the enemy at sea every where. Without entering minutely into the discussion of the conduct of the noble Lord lately sent into the Mediterranean, considering the spirit and bravery of the French and Spanish officers and men, it was evident that the
Spanish

Spanish ships had some internal weakness or defect, or a superior force of such enemies would never have avoided battle with one that was inferior. Spain, every body knew, was driven to the last extremity to raise supplies. America had no money; she had tried the paper scheme till it had died away, and proved of no avail: she had at last been driven to the only probable resource, and attempted to raise money by taxes; that attempt wholly failed: and France was herself greatly distressed indeed. Holland had proved an inconsiderable enemy, nor was Holland likely to do us much serious mischief. All these circumstances were to be taken into the consideration of Ministers in the treaty now going forward; and to this they were to add, that we ourselves were not come to the end of our resources; nor so dejected in our minds, as to fear the continuance of war, if war was necessary. Above all things he trusted, that in the provisional agreement with America, care had been taken to provide an asylum for the loyal and unhappy people who in all this long struggle had continued faithful to their Sovereign, and had consequently incurred the censure of their countrymen, and had been driven from their fortunes. He had no doubt but an agreement was made, by which an adequate provision was to be made for these people. He observed, that the Minister was charged with having done that which he had previously declared would ruin the empire, and cause the sun of our glory to set for ever. This, he said, was not fair—it was not to be charged to the Earl of Shelburne, but to themselves; for if the sun of Britain was set, the House of Commons was the magician who had brought it down from the skies.

His Lordship also noticed what Mr. Fox had said respecting his ideas of the legality of subscribing sums for the use of Government. He quoted Lord Hardwicke, to prove that that great lawyer had decisively declared it was perfectly legal: his Lordship added, that he had ever thought so, but at the same time he agreed, that the expenditure ought to be accounted for to that House, as much as the expenditure of any other public money. He laughed at the idea of calling it ship-money, and shewed, that what had been formerly termed was not illegal; because of its application to the building of ships, but because it had been forced from the subjects by the Privy Council, without the consent and concurrence of that House. He explained also the nature of what had been falsely termed benevolences. Benevolences, such as we have formerly heard of, were illegal, because they were not bene-

benevolences. If they had been voluntary, instead of being extorted, they would have been perfectly constitutional; for it was the indisputable doctrine of the constitution, that no money shall be taken from the pocket of the subject without his consent; but with his consent, given either by his representatives or himself, nothing can be more clearly constitutional. He declared, that voluntary gifts to Government, such as one he had heard mentioned, though from its size it might remain unexampled in a century, did the donor the highest honour, and might be productive of the best consequences, as all public subscriptions of individuals ever were. To prove this, his Lordship instanced the case of France, after the treaty of Gertruyenbern, and said, it might happen that the government of this country, in consequence of extraordinary calamity and ill success, should find itself obliged to apply to the people; in which case, the liberal subscriptions of the higher gentry would operate most beneficially, by causing the poorer ranks of the people to bear with cheerfulness the burthens necessarily imposed upon them. For these reasons, his Lordship said, he hoped, that no notions of refined speculation upon the constitutionality of the practice would be dwelt and reasoned upon, since it could answer no good end, but might damp that noble spirit of generous and hearty support of Government, which, by shewing that the people were zealous in the cause of their country, was the best means of convincing our enemies of the little ground there was for them to hope by perseverance to drive us into humiliation and despondency.

After descanting on these particulars, his Lordship desired that, in not opposing the Address, he might not be hereafter deemed liable to the charge of having, by his assent that day, precluded himself from objecting to the particulars of the provisional terms with America, should they, when laid before the House, appear to him to be objectionable; and having enforced this desire in such an explicit manner, as rendered it impossible for him to be misunderstood, his Lordship concluded with again earnestly recommending that House to be unanimous on the present occasion, in order to convince our enemies that nothing but an honourable peace should prevent a vigorous continuance of the war on the part of Great Britain.

Mr. Fox said, in answer to the noble Lord's assertion, respecting the brilliancy of the 12th of April, and the effect it had produced on the naval superiority of the campaign, that he

Mr. Fox

stated the benefit of unanimity in the present hour, and he had paid proper and becoming attention to the circumstances of the nation, in forming his ideas of what we ought to expect, and what we must trust to in the peace to be concluded. That we must in our negotiation with the enemy take into our view all the relative circumstances of the belligerent powers, and that concessions and sacrifices must be made agreeable to them was clear, beyond all question; and therefore he must assert that what Mr. Fox had advanced with respect to the general propositions being carried too far, and that cession, if not strictly limited, would be highly unjustifiable.—all this, he said, was not strictly consistent with what he had heard some time ago advanced in that House, when it was said, “that hardly any peace could be a bad one in our present circumstances.” Now, however language was altered, and it was said that cession might be carried too far.

His Majesty's Ministers were uncertain what would be the event; but he trusted every thing was in a forward and effectual train of completing the business, which was his Majesty's most earnest wish; and he assured the right honourable gentleman, it was equally the wish of his Ministers. For his part, he said it was the nearest wish of his heart to see an honourable and lasting peace: and whatever councils his situation obliged him to give, as being one of the King's Counsellors, though he was conscious his youth and inexperience rendered it rather too much for him to oppose, or give his opinions among those of transcendent abilities and experience, he did declare his advice always did and would tend to that desirable object. At the same time that if the dispositions of his Sovereign were frustrated by any extravagant demands, he would also presume to advise a perseverance in the war. On the principle, notwithstanding the ruinous expences that attended its progress hitherto, that the relative situations of our enemies, as well as the events of the campaign, entitled us to demand such terms as were consistent with the superiority we still maintained, notwithstanding the losing so great a part of the British dependencies, by the granting away, or the loss of America.

The noble Lord desired, that he might not be considered as pledged to the approbation of the provisional articles which had been signed at Paris. The Ministers of the King by no means intended that any man, in agreeing to the address, should be bound to the approbation of those articles. They

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wished gentlemen to be bound to no more than the latter and evident meaning of the address went to; which was to thank his Majesty for having concluded an agreement, by which the American question, that stood in the way of a negotiation with the belligerent powers, was removed, and the road cleared to a treaty for a general and honourable peace. Those provisional articles could not in their nature be immediately laid before Parliament; gentlemen would see the importance of the object on which his Majesty's Ministers were now employed; but he had the assurance that they would be laid before the House in the course of a few days; when the delicacy that at present withheld them would be removed, and Parliament would have an opportunity of deciding on the conduct of his Majesty's Ministers. In the mean time they wished that their conduct might be particularly inquired into. They desired that every paragraph and sentence of the address might be examined, that gentlemen from every side of the House would deliver their sentiments on the matter, and he assured them that the sentiments of the House would be collected, and their sense be paid that respect to, which it always ought to be.

Mr. *Burke* spoke next, and like the other Members, who Mr. *Burke* had delivered their sentiments, said, he did not mean to propose any amendment to the address, although he was not over and above pleased with the speech. The Chancellor of the Exchequer had lamented many things, which he said to be calamitous in his situation, and among other things, very much to his astonishment, he had lamented his youth. He could not see the necessity for such lamentations, as he very sincerely believed the nation would have little cause to join in them on that score, and he wished to Heaven they could confide as fully and implicitly in the honour of other members of the Administration, as they could in that of the young Chancellor of the Exchequer. The honourable gentleman in a very animated style, arraigned the speech from the Throne with a species of delusion, and insinuation, which he conceived to be of a very dangerous nature. His Majesty was made to say, that he had sacrificed his own considerations, not to the necessity of the case, but to the advice of his Parliament, and by this means the whole of the consequences which were said to be apprehended from their want of monarchy, were slung in the teeth of Parliament.

This he conceived to be an instance of the duplicity of the Minister, extremely consistent with the general tenor of his conduct.

conduct. There was something in this, neither manly nor generous. It was a little, low, left-handed policy which the Americans would despise, and which no nation would respect. It was making his Majesty do that with sheepishness which he might have done with grace. It was, in fact, to make him say, that he did it against wisdom, against good sense, against necessity, against policy, in constrained obedience to the advice of an ill-judging House of Commons. Such was the language which Ministers had put into the mouth of their Sovereign; and such was the respect which they had paid to that House. The calamities of the war were not taken into the account; the circumstances of the country; the impossibility of acting otherways were all overlooked; and it was charged upon that House alone. Oh, the mean, short-sighted wisdom of such proceeding! how must surrounding nations feel, when they see the King of Britain made to speak in such a strain? instead of coming forward with dignity, to yield to the necessity which the madness of former Ministers had imposed, he is taught to whine, and ascribe to a resolution of the House of Commons, what was clearly the hand of Providence, in a severe punishment of our conduct. Then he is made to fall upon his knees to deprecate the wrath of heaven, and pray that this misguided people may not suffer the consequences of the want of monarchy. Monarchy is made the subject of his Majesty's most earnest prayers; and this people, who never were designed by Heaven for monarchy—who are in their natures adverse to monarchy—who never had any other than the smell of monarchy, at the distance of three thousand miles—are now to be guarded by the prayers of the King of Great Britain, from the consequences of that loss, which, through a resolution of the House of Commons, they have incurred! he dwelt on this idea with great energy, and argued, that it would have been wise, and proper, to have talked in such a moment, not in a whimpering stile of affected and unmeaning piety; for nothing could be so unmeaning, as prayers of such a nature; but in a generous and manly stile, by which the American people would have been led to believe that we were really cured of our follies, and were brought at last to think and act like men.

He adverted particularly to the observations which had been made on the concessions to be made as the price of peace. He said, he detested generalities. There was no arguing from propositions that had no latitude; and therefore, the

the language of the honourable gentleman who seconded the motion, whatever good purpose it might answer, in feeling the pulse of the House, could hardly be brought to the test of argument and examination. With respect to Gibraltar, which he had particularly hinted at, he hoped the arguments which had been so powerfully urged would shew Ministers that they must not dare to sport with the feelings of the nation, in regard to an object so justly dear to them. The fortress of Gibraltar was invaluable, because impregnable. No other post which the Spaniards could give you had that recommendation; and as a post of war, a post of power, a post of commerce, a post which made you valuable to your friends and dreadful to your enemies; that which gave you the command in the district of ocean where it lay; that which was the incontestible evidence of your pre-eminence and power; that of all other places was what you ought with the most religious determination to maintain. He averred, that the King of Spain had not an appendage on his crown, which he could give, equal to Gibraltar. The capitals of Peru and Mexico were out of the question. An unclothed territory could not be equal to this rock. If they were to offer, as he had no doubt but they would, the island of Porto Rico for it, it was not an adequate compensation; and he warned men against being cheated by the idea of an extensive, rich, and profitable territory being given in exchange for a bare rock. Porto Rico was in every sense of the word an unclothed territory. All the wealth of Spain had not been equal to its cultivation; and we had a sufficient evidence in our own islands of the difficulty and expence of cultivating a territory. The Grenadas, though their value had been so much and so wildly extolled on their acquisition, were not yet more than one half clothed, and they had not paid the expence they had incurred. But besides this material circumstance, the great and solid advantage of Gibraltar was, that it gave you an indisputable command in a most important sea; by which the nations of Europe would covet your assistance, for which they would become your allies, and by which you may be able to render the family compact a delusive and an useless thing. Such were the advantages to be obtained from the fortress of Gibraltar; and therefore it was something more than what the honourable gentleman had called it, a post of pride, or a post of honour; it was a post of power; a post of superiority; a post of connection; and a post of commerce.

In regard to the manner in which the Minister had, in the course of this summer, proceeded to carry into effect the plan of reform which he had the honour to propose to that House, and which had been carried into law, he disclaimed all pretensions to any share of the merit of it. Their manner was entirely their own; and he would take upon him to say, that it was as mean and inhuman, as his was public and generous. He had aimed only at the destruction of parliamentary influence, and of sinecures for parliamentary men; but they had aimed their blows at poor inferior officers of twenty, thirty, and forty pounds a year, which was all their dependance and support, after a life of service for themselves and their families. He meant to disturb no individual in his possession; his economy was gentle as well as systematic, and was calculated for permanency as well as use. He concluded with saying, that though he by no means approved of many parts of the speech, and thought it in the whole a collection of unmeaning professions and of undeserved self-praises, yet he would not disturb the union of the day, by proposing any amendment whatever; but would content himself with declaring, that he thanked his Majesty for having concluded a provisional agreement, by which we had at last got rid of the American war, reserving to himself at the same time his freedom to disapprove of that provisional agreement, if he should think it faulty.

Sir Joseph
Mawbey.

Sir Joseph Mawbey spoke warmly in commendation of the Earl of Shelburne, and professed to entertain implicit trust in the integrity of his Administration.

General
Smith

General Smith concluded the conversation, by adverting shortly to the paragraph in the King's speech, which regarded the East India question. He trusted that that House would pay a very particular attention to that subject, and take care that what they did in the last session should not be undone.

The Speaker now put the question for the Address, and it was agreed to *nomine contradicente*.

A Committee was appointed to draw up the Address, to be reported the next day.

Adjourned.

December 6.

Mr. Speaker acquainted the House, that he had received, from the right honourable Lord Rodney, a letter, in return to the thanks of this House, signified to him by Mr. Speaker,

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in obedience to their commands of the 22d day of May, in the last session of Parliament.*

Mr. *Yorke* brought up the report from the Committee appointed to draw up the address of thanks to his Majesty. As soon as it was read,

Mr. *Minchin* begged leave to make a few observations on one or two points that had been urged in last night's debate, of which the present was, in a parliamentary sense, a continuation: in that debate, it had been asserted by an honourable member, whom he was glad to see in his place, that the British flag had suffered disgrace in the late expedition under Lord Howe; this was an assertion which ought to be well supported, before it should gain the least credit to the prejudice of one of the greatest officers that this country had ever produced; an officer, of whom the world spoke in the highest terms of applause; an officer, who had in the most gallant manner, undertaken to throw relief into Gibraltar, at a time that he had a right to expect that he must have fought his way through a fleet greatly superior of his own, and whose manœuvres on that occasion had filled the neighbouring nations with astonishment, and gained him

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5. The following is a copy of the noble Lord's letter:

Montagu, Port Royal Harbour, July 21, 1782.

SIR,

I AM now to solicit your kind acceptance of my best and warmest acknowledgments, for your polite communication of the signal distinction which the honourable House of Commons have been graciously pleased to confer upon me, by their vote of thanks, for the share I had in the action of the 12th of April against the French fleet. To fulfil the wishes, and execute the command of my Sovereign; was my duty; to command a fleet so well appointed, both in officers and men, was my good fortune, as, by their undaunted spirit and valour, under Divine Providence, the glory of that day was acquired. Unequal to the task of expressing, in language adequate to my feelings, the high sense I entertain of this repeated testimonial of their honourable attention, I rely wholly, Sir, upon your kind aid, to convey to the House of Commons my heartfelt gratitude for their condescending approbation of my services; as also my assurances that, whilst I have health enough to act, I shall ever consider the remaining portion of my life devoted to the commands of my Sovereign and of my country.

I have the honour to remain, with the highest respect,

S I R,

Your most obedient and most humble servant,

R O D N E Y.

The Right Hon. C. W. Cornwall, &c. &c. &c.

their universal approbation and applause. And yet the honourable member said the British flag had been tarnished on that occasion; an officer, however, whose testimony on this head must have more weight than that of the honourable member, because he was an eye-witness to what he had spoke of, held a very different language; General Elliott was the officer to whom he alluded; that gallant man saw from his garrison the manœuvres of Lord Howe, and in a letter to a friend in this country, made use of this remarkable expression: "What an able officer Lord Howe is! Heaven long preserve his life! he was born to be the shield and bulwark of his country!" To say that the British flag had been tarnished in his hands, was to say what scarcely a second man would believe, and he was the more surprised to find it come from such a quarter; for it appeared rather surprising that the honourable member should endeavour to take a mote from the eye of the noble Lord, while there was a beam in his own: but as the honourable member's own conduct at Port Praya was, he understood, shortly to be submitted to the consideration of another tribunal, he would not say a word more on the subject, because he who stood up for the character of Lord Howe, could not be consistent, if he were to attempt to prejudice the minds of those who were to sit in judgment upon the conduct and character of the honourable member. He would only add, therefore, to what he had said, that there was not a professional man with whom he had conversed on the subject, not an officer who had been present in the action, who did not, in the warmest terms, extoll the conduct and manœuvres of the noble Lord. There was one subject more on which he would make a single remark: it had been said, in last night's debate, by the noble Lord in the blue ribband, that all the honour of the late glorious campaign was due to the late Administration; but the state of the fleet, when they gave up the reins of government, would shew how little they were entitled to praise on that head; and the state of the navy at that period might be collected from the condition in which the Royal George was found at the time she unfortunately went to the bottom.

How did this correspond with the difficulty which the present Board had in their preparations for the relief of Gibraltar. It was notorious to all conversant in naval affairs, that the negligence and inattention of the former commissioners, had brought us to the brink of a precipice,

from which the greatest and most unremitted exertions of the greatest and worthiest men, had hardly been able to recover us. Thanks to those whose zeal and assiduity had proved our salvation ! For our circumstances, however better now, were then, without the possibility of a doubt, most deplorable and desperate.

Commodore *Johnstone* thanked the honourable gentleman Commodore Johnstone. most cordially for the opportunity afforded him of doing himself justice, and he would begin, he said, by denying that he had any dishonourable speck about him. Nor did he think it candid or handsome in any gentleman to libel another, as then he was, on the ground of mere calumny, thrown out against him when he was not present to answer for himself. He knew liberties had been taken with him, but he dared any man or set of men to substantiate one single charge against him. Did he ever flinch from any accusation in which he had the least concern ? Why then do not they who affect to think his conduct blameable, endeavour to convict him. Justice to him and to their country did not certainly require less. He had called for an enquiry into this particular branch of his conduct ; and he defied the whole world to render him culpable. Where then was the impropriety of his stating to the House a simple matter of fact, or desiring, in behalf of himself and others, to be informed by those who were in possession of all the particulars, whether such a fact happened or not. He still adhered to what fell from him the night before, that Admiral Barrington drove before the wind, and that in the morning he was at least four leagues to the leeward of the fleet. That Lord Howe, instead of being in the wind, bore two points out, with a good intention, no doubt, which however was frustrated, as it prevented his closing with the enemy on the same advantageous terms he might have chosen, had he not given into this manœuvre. He believed it was the intention of the noble Lord, by this manœuvre, to double upon the enemy ; but he was prevented, and it turned to his misfortune. In this plain statement, he wished for contradiction : he had not made it in a corner ; he was amenable to this House, and to the public, for every thing he advanced. And why did not professional men come forward, and speak to the point in debate ? He wished not to injure any man ; but no man, nor set of men, should hinder him from doing his duty, and speaking what he conceived to be true. Had he not put the question, as just now stated, in
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the most direct and unequivocal words to the honourable Commodore Keith Stewart? And what was the answer? Did not his silence carry conviction along with it? He still made the same demand. Where was the seaman who dared stand up and contradict the allegation? The testimony of General Elliott had been mentioned; no man valued General Elliott's opinion more than he did; but General Elliott spoke of his conduct prior to the date mentioned by him. The action happened out of the sight of the garrison. He did not pretend to fix the least personal imputation on any man. He knew not, in fact, where to fix it, but he affirmed that the navy of England had then incurred the foulest and most indelible disgrace. He was not to be amused and wheedled out of the little common sense which God had given him. General encomiums were often lavished on those, whose conduct could not bear a dispassionate investigation. He was not to be told how glorious this mighty business appeared to a certain description of individuals.

No man need affect at this time of the day to inform him of the noble lord's abilities, of his wonderful skill in manœuvring, of his incomparable discipline and address, and of a thousand other qualities which he believed were all real. But what was a heap of elaborate panegyrics and fine speeches to specific facts? Why was not this fact destroyed by the united declarations of those who were competent to speak, and were present? Or why was he blamed for adhering to his own convictions, merely because these convictions suit not the taste or views, or party prejudices of others? He had long known and regretted the party spirit which predominated in that House, and for once was determined to keep equally clear and independent of them all. But was this such an invidious business, as that it could not be done without running the gauntlet in such a manner as he had experienced from it? Was not this acting dishonourably with the public, in withholding an article of the most important information, and that too in the moment of curiosity and investigation? For his own part, he was determined to probe it to the bottom; one simple fact was, in his estimation, more valuable than a thousand flourishes; he would stick to his point, and he hoped the plain, sober judgment of men was not to be destroyed by a *feu de bouche*. And what had all his interrogations produced, but an endless round of insipid circumlocution, which discovered only the genius of the speakers, without offering

offering any thing like conviction or satisfaction to his mind; on the principal point in question. Were the people of England, either in or out of Parliament, to be treated thus cavalierly, without either reason, decency, or truth? An honourable gentleman, high in office, as well as another who had lately likewise been in office, and many other apologists for the noble Admiral, had all done him the honour of a particular reference in their respective speeches to what he had advanced; but did any of them so much as once attempt to solve the difficulties he stated, or remove the doubts which he could not help indulging, concerning the boasted transactions of the late cruise? He was therefore fully authorised to recur to the single argument with which he set out, and without any answer, to expect it would have its due effect on every open, unbiassed, and ingenuous mind.

He thought himself entitled to appeal to their candour, to press the matter on the consideration of the House. He had been called upon to defend himself for having ventured to specify a particular fact in their hearing, which deeply affected the naval honour of this country. Were then members of Parliament to be prohibited in deference to certain men of certain principles, from fairly and honourably avowing their sentiments and reasonings on the conduct of public officers, to whom the execution of public business is committed? God forbid!

He might be accused of malice, of envy, and any other motive, which he disdained as much as those who accused him, but he was determined, nevertheless, to act independently; the public without doors would judge for themselves, of things. He was resolved, therefore, if he stood alone, to have the matter probed to the bottom, and he repeated it, that one fact was worth fifty flourishes.

Mr. Secretary *Townsend* said, that so great and able an officer as Lord Howe, was so valuable an instrument in the hands of the public, that his reputation ought to be shielded from the attacks of those who envied his high name. The honourable member had boasted that he had advanced facts; he had made bold assertions indeed: but they must be supported by substantial proofs, before the House would admit them to be facts. The conduct of Lord Howe was applauded by all mankind. He had himself heard Sir Roger Curtis speak of his conduct in terms of the highest eulogium, and who was so capable of judging as that gallant officer. The honourable gentleman could only have his information from

Mr. Secretary
Townsend.

from hearsay, and no man, in his opinion, had dealt so much in flourishes as himself. The neighbouring nations were liberal in their praise of the noble Admiral's behaviour on this last occasion; nor indeed could they in justice refuse their tribute from a man, who had faced forty-six sail of the line, with thirty-four; if he did not bring on a close engagement, it was not his fault; for lying to leeward of the enemy, how could he have brought them to action, if they thought proper to decline it? They bore down indeed, in hopes of cutting off a part of the British fleet, but finding themselves foiled in this attempt, they hauled their wind, and declined any farther action: it was then in the power of Lord Howe to offer them battle, but not to force them to it. The honourable member, appeared to find a pleasure in condemning the conduct of this noble Admiral; he had commented severely upon an action of his, in a former campaign; he had then laid down his curious doctrine, of attacking ships of the line with frigates; but the noble Admiral was then present to defend himself; and the House would remember what was the effect of the honourable gentleman's harrangue on every man's mind, seaman and no seaman:—for his own part, he pretended to no professional knowledge, but he believed that the doctrines of the honourable gentleman had not raised his character in the navy. The honourable gentleman concluded with saying, that the characters of officers were sacred—and must not be made the sport of dark, anonymous attacks in newspapers and pamphlets.

Governor
Johnstone.

Governor *Johnstone* insisted that Lord Howe's letter did not assert that the enemy had forty-six sail of the line; he said indeed, there were forty-six sail in, not of the line; and he could say from good authority, that of these, three were of fifty guns, and were placed between the French and Spanish divisions. He would wish to know what inducement the enemy could have to haul their wind, when the British fleet put before the wind? He did not mean to say, that Lord Howe bore away for the purpose of avoiding an engagement; on the contrary, he believed his object was to shoot-a-head of the enemy, in order to gain the wind, and then to double upon them; but before he was able to do this, he was brought to action by the enemy. As to the doctrine of frigates that had been alluded to, he wished those only would speak to it, who understood something of the subject; on this head, he would advise the right honourable member to consult Commodore Keith Stewart, and ask him how much more ser-

vice

vice was performed by the Dutch line of battle ships in the action on the Dogger Bank, than their frigates? that officer could speak experimentally on the subject. To charge him with envy, was a bad way to defend Lord Howe; he envied no man; but still he would submit to be deemed the most envious of mortals, if any professional man would get up, and controvert the facts he had stated, and the positions he had deduced from them:—He had some little conceit of his own professional knowledge, and would always presume to speak his mind on professional subjects.

Captain *John Luttrell* rose, and said, in the times we had lately seen, when popular clamour without doors, and party prejudice within, prevailed in favour of an Administration, which we now find so much divided, he had observed, that those of much better abilities than he could boast of were but indifferently heard by that House, and were ill-approved by the people at large, if they did not join in panegyric on those Ministers, and subscribe to an opinion, that their activity and circumspection, their integrity, patriotism, and abilities, were very far superior to those of their predecessors in office: but the recess of Parliament had given time to separate the voice of truth from that of deception and artifice, for impartial reason and sober judgment to take place of rash passion; and therefore, without wishing to depreciate the one set of men, or to flatter the other, he was pleased to see the season again arrived, when they might speak of political characters, and of public matters, as occasion should require, with that freedom and indifference which they had heretofore done, without courting the smiles of the one man, or fearing the frowns of the other; but respect for the standing orders of the House, and for the Chair, would always incline him to confine his remarks and observations to the subject matter in debate; and therefore, as he did not mean to animadvert either on the speech or the address; both of which he approved, in full confidence and expectation that Ministers would accept of such terms of peace only, as should be honourable and equitable in the present situation of this country, which other nations must admire and respect us for, and our own approve; therefore he would not have troubled the House with a sentiment on the subject; but have been content with silent acquiescence, had he not a hope of saving more of their time hereafter, for he looked up to the Speaker now, at the commencement of the session, to discountenance the introduction of any extraneous matter into debate; which served at best

Capt. John
Luttrell.

different explanation had been given of the Provisional Articles in another place, and it was a matter of the utmost moment that it should be clearly and fully understood before they ratified their consent to the Address.

One thing more he would take notice of now that he was upon his legs. It had been said of him in the debate yesterday, that he had always been a friend to the Independence of America. This was not the case. He had all along considered the Independence of America as an evil of great magnitude, and as such he had always spoken of it. But when America became independent, which in his mind she had been absolutely for the last five years, he had declared his wishes for the recognition of their Independence as an act salutary and seasonable for the legislature of this country, by which we might do that with grace which we must at last do without it, and thereby conciliate and restore harmony between the two countries. He repeated the question which he had put to Ministers with respect to the Provisional Agreement which had been, he said, the principal purpose for which he had risen.

Mr. Sec.
Townshend

Mr. Secretary *Townshend* said, in answer to the honourable gentleman's question, that the Provisional Articles concluded with the Americans, were stated both in the King's speech, and in his letter to the Governors of the Bank, to be intended to take place whenever a treaty of peace should be concluded with the belligerent powers. There was surely no equivocation in the wording of the speech, by which Parliament could be deceived. He said at the same time, that he wished Gentlemen would postpone any farther discussions on the Provisional Articles until they should be before the House.

Chancellor
of the Ex-
chequer.

The *Chancellor of the Exchequer* said, in addition to this, that the clear indisputable meaning of the Provisional Agreement, made with the American commissioners, was the unconditional, unqualified recognition of their Independence. This made one of the articles, and it was to be inserted in the treaty to be made with the belligerent powers, whenever that treaty should take place. He was anxious that the House should clearly understand the matter of this important fact, that it might not be imagined that there was any deceit of any kind lurking beneath the language which had been used.

Mr. Pitt said further, that as he conceived he was the person alluded to by the honourable gentleman, who had complained of having been misunderstood and misrepresented the
preceeding

preceding day, he thought in justice to himself, that he should, declare, he never charged the honourable gentleman with having, at any former time, argued, that the Independence of America was a thing in itself good or desirable for this country, and that, because he never had so understood him to argue; but he had thought it fair to advert to the arguments of that honourable gentleman on former occasions respecting the independence of America, as a justification of his Majesty's present Ministers from the charge of reluctance to come to a recognition of that independence.

Mr. *Hammett* rose with great warmth, to reprobate the language of gloom and despondency, which he had heard held the preceding day in the House. He said, we had beat the French in the West-Indies — baffled them in the East, and disgraced them in Europe. As to the funds and resources of this country, he was convinced; that rather than submit to the cession of Gibraltar, and to other very ignominious terms, the people of this country would carry on the war for ten years, and spend two hundred millions more, of which he had no doubt of resources in a just and righteous cause. At least he maintained the holding a contrary language, was neither wise nor political, neither was it the way to obtain the best terms in our present situation. He reprobated the original cause of the war, which rendered the separation of America necessary; said, he wished for peace and friendship with them, but repeated it, that he would rather continue the war against France, Spain and Holland, another campaign, than submit to give up the honour and just rights of this country. His professional habits and knowledge of the resources of this country, gave him, he observed, a right to say what he had done, which he believed no one would contradict. He declared, that he had no connection with any ministers, and had offered his sentiments for the good of his country, and that the information he had given, he believed the Ministers of this country would find well founded. He likewise spoke to that part of the King's speech, of which no other member had taken the least notice, namely, that which mentioned the ruinous method of paying the tradesmen of the Ordnance Office with debentures. He said, if the noble Duke who presides over that department, was enabled by the House to pay with punctuality, his Grace, by his indefatigable labour, would save his country more than the reform bill, with all its boasted powers of œconomy, would probably produce.

Mr.

Mr. Powys. *Mr. Powys* thanked the Chancellor of the Exchequer, for having eased his mind of a load of trouble and concern; he was free to confess, that from what he had heard to have been said by another person, in another place (Lord Shelburne in the House of Lords) he had not been without his dread that the independence of America was not irrevocably fixed on. He would then just state to what he intended he should stand pledged—by his vote of assent to the address—to support his Majesty's Ministers against France, Spain, Holland, or any European enemy whatever, and even against America as the ally of France; but he took it now for granted, that the object for which the war had been originally undertaken; the subjugation of America, was now renounced for ever.

Mr. Burke. *Mr. Burke* called the attention of the House to a most ingenious and forcible commentary on the speech of the King's Ministers, as delivered from the throne. He confessed that he had his suspicions; that he had from the beginning entertained his doubts, and they had been rendered stronger by what had been said in another place. He saw that the language of the speech was guarded with the most insidious perplexity of expression, and that it contained words which might be construed to mean either an absolute, unconditional renunciation of dependence, or a conditional, temporary offer of independence, to be revoked in certain circumstances. He had mentioned his doubts the day before, and he repeated them now. With respect to the Chancellor of the Exchequer, he had a high opinion of his character and integrity; and if he were to trust to the words of men, his explanation would be to him full and sufficient. But the speech spoke a language so strange and contradictory, so full of ridiculous and absurd professions, along with such an incredible number of promises and boasts, that he declared, if he might be permitted to speak of it as it deserved, he should call it a farrago of hypocrisies and nonsense. If he might be allowed to apply to it the words of Hudibras, he should say, that the Minister had made the King speak

“As if hypocrisy and nonsense

“Had got the advowson of his conscience.”

The honourable member indulged himself with a free commentary on the text of the speech, taking the several passages in succession. He did this in a vein of wit, argument, and satire, so finely blended and so strongly carried on,

on, that the House was kept in a burst of laughter the whole time. He animadverted again on the artful manner in which his Majesty's Ministers had taken care to throw upon Parliament the whole of the measure of the recognition of the independence of America. His Majesty had done this thing, not because it was wise, not because it was proper, not because it was necessary; but because the Parliament had advised it, and in the spirit of most unseasonable piety, and most unwise, because insincere, devotion, he was made to fall upon his knees to deprecate the consequences likely to result to America from the want of monarchy. He reprobated all this because it was unwise, and because it must produce a ridiculous effect among all sensible and thinking nations, and men. Mr. Burke said, he had heard of a form of prayer in churches, but this was the first form of prayer he had ever met with in a King's speech: it was, he declared, nothing more than a piece of hypocritical cant played off at the expense of Parliament. That the independence of America was recognized unconditionally in the provisional articles, was, a fact, which the words of the Minister's speech by no contraction of grammar, by no fair meaning of phrase, could, he asserted, be proved to communicate. As therefore it was known, that in another place a very different sense of the manner in which the independence of America had been recognized in the provisional articles, had been declared by one of his Majesty's servants, and as it was known that there were such things as divisions in cabinets, and that those Ministers who could be brought to say one and the same thing in one particular place, spoke of it very differently elsewhere, that House was warranted in entertaining suspicions of duplicity and delusion in the present very important matter. If the whole of the doubt rested on the word of the right Honourable Gentleman at the head of the Exchequer (of whose virtue, integrity, and honour, he entertained the highest opinion,) his mind would be perfectly satisfied with the declaration that right Honourable Gentleman had just made; but circumstanced as the doubt was, considering by whom the speech was penned, (for he would venture to say it was not penned by his right honourable young friend,) there was every reason in the world for that House to observe to what they pledged their support; more especially where the whole blame of the consequence was directly laid at the door of Parliament.

Having

Having said this, Mr. Burke proceeded to comment on the speech, and read that passage, in which his Majesty declares he had sacrificed every consideration of his own to the wishes of his people. He dwelt for some time on the word consideration, and asked what the Minister meant, by making his Majesty declare, he had considerations separate from the wishes of his people? Such an idea was, he said, equally new, unconstitutional, and improper. He next proceeded to the part in which his Majesty was made to rejoice in the extraordinary readiness, and public spirit shewn by his subjects; and particularly by the people of the good city of London.

Upon this Mr. Burke contended, that it was all a piece of delusion; that one honourable Baronet had, like the phoenix that was seen but once in a century, made a most liberal offer,* and that offer was here insinuated to be many, with a view to make more people tender voluntary gifts. In fact, the offer of the honourable Baronet was the only one thing that had been done; for as to the offer made by the county of Suffolk, it was so cautiously guarded that there was not any prospect of their ship; It was not to be built until twelve other counties; a jury of counties should do the same. Ministers acted in the manner as he had heard of a practice in some of the religious houses, who appointed thanksgiving, and poured their blessings on the people; particularly when they failed to bestow on them their usual gifts, that they might remind them of their duty, and shew them into what grateful hands they would pour their wealth. He was extremely pleasant on the idea of the phoenix expiring amidst her own odours; and in order to prove the position he had laid down, asked which of the subjects in the city of London had offered to build ships for Government? The nation that could raise millions, was to go about to beg for charity from individuals; and from this charity, the navy of England was to be restored.—Wretched politicians! they were like the man who held a farthing candle to the sun; or like him who spit into the ocean, to increase its waters. Benevolences in former ages were indeed of a different nature: in Queen Elizabeth's reign, the whole navy of England did not cost the nation annually, more than

* Sir James Lowther, Baronet, who had in the course of the summer, made a present of a seventy-four gun ship to Government.

than the trifling sum of 40,000*l.* the public revenue did not exceed 300,000*l.* So that in that time, when the revenue was low, and individuals rich, because not loaded with taxes, it was not improper to apply to wealthy individuals, who could easily fit out a parcel of such men of war as were used in those days; but which could not compare with our smallest frigates at present. He was the more surprised at finding benevolences so praised in a speech, which he was justified in looking upon, as the production of a cabinet, in which sat a learned Lord, who, while he was a Commoner, had in that very House moved to resolve that such benevolences were illegal.

“Men of all professions were to be rewarded.”—This he took to be a bait, particularly for such gentlemen in that House as wore black gowns; it was directly fishing for black gowns; they might see a proof of it, in that one of their corps had been raised to a peerage, and complimented with a pension of 4000*l.* per annum: another, (the Lord Advocate) a very able man indeed, had been put into a very comfortable office; the two last Solicitors General remained still unrewarded; but they and others might take a hint from this, how they might obtain proper rewards.

“It is the first object of my heart to make the general good, and the true spirit of the constitution, the invariable rule of my conduct.” O! the noble discovery! O wise Ministers! *Dii tibi tonsorem donent*, to all except one who has no occasion for one (Mr. W. Pitt.) What business could there have been for professing that they would do that, which if they had omitted to do, they would have exposed themselves to the most heavy punishment?

The speech from the beginning to the end was full of the most unmeaning self-applauses, that ever he met with; --- “It is the first object of my heart to make the general good the invariable rule of my conduct.” What an admirable piece of egotism! There was a bad taste in this writing; it had neither chastity nor propriety of style. His Majesty’s Ministers come gravely forth, and inform Parliament, that they are determined to do that, which, if they did not do, they would be impeached. He professed he was at a loss to determine in his mind whether the Ministers meant by these expressions, an insult or a mockery of Parliament, or whether they meant both. But his Majesty was made his own historiographer, and he gave us in this very curious speech, a narrative of his proceedings during the recess.

He supposed that this was to be considered as one of the economical reforms of the new Ministry; for as the place of historiographer to the King was one of those abolished by the late bill, they had given that duty to his Majesty himself; and the office of the Poet Laureat, he supposed would, in consequence of the specimen which that House had heard last night of the poetical talents of the Chancellor of the Exchequer, be consigned to that right honourable gentleman.

“ To ensure the full advantage of a government conducted on such principles, depends on your temper, your wisdom, your disinterestedness, collectively and individually.” He desired the oldest member of that House to trace in all the speeches that he had ever heard a request more extraordinary than this. The Minister indeed was resolved to put their temper to the test, when he ventured to advise the King to make such an address to his Parliament; as vexation was the best of all possible trials of temper, to hear that speech, to re-echo it back to the Throne, and yet not to grow out of humour, was the severest test of the temper of Parliament, that could be exhibited. With regard to the wisdom that his Majesty’s Ministers had made him call for, unfortunately it was not to be forced within those walls, like a member’s attendance by a Treasury note. No gentleman could, as Gregory was drubb’d into a doctor, be beat with a stick into wisdom; wisdom was stubborn, and would be equally deaf to the call of Majesty and the call of Ministers. The wisdom of the House must remain to operate just as it thought proper. He had often heard of the qualification of a member of that House; but never until this moment heard that wisdom was one of the qualifications which could be called for, and must be produced at the pleasure of the King. The Ministers did not seem to be Irish, but Welch; “ I can,” says the great Welch magician, “ call up spirits from the vasty deep.” “ Aye;” says the plain rough Hotspur, “ but will they come when you call.” His Majesty might call for wisdom, but wisdom was not to be compelled. It was what philosophers call an original infusion, and was not to be inspired or procured at pleasure. But all this was nothing to what followed. His Majesty calls for disinterestedness from Parliament. Disinterestedness! Could any man believe it possible that the King from the Throne should be made to libel the two Houses of Parliament with the crime and treason of interestedness! He could hardly give credit to

to his senses. It was a strain of insult beyond his imagination to conceive. Would the House bear to be told by any Minister, that they were collectively and individually a servile, and a corrupt set of men, without virtue, without zeal, forgetful of duty, and negligent of character? "My people expect these qualifications of you, and I CALL for them." Here was a mode and strain of blustering, to which he believed that House was unaccustomed, and how it would sit upon their tempers, with all possible respect for their wisdom, he could not take upon himself to say. He believed that since the days of King Charles, who had advanced into that House, and thrown himself into the Speaker's chair to look for the members who had offended him, such an insult and indignity had not been offered to them. He thought them called upon by every inducement of respect to themselves; to the high character which they ought to maintain; to the just jealousy of their privileges, which ought never to be asleep; to the duty which they owed to the people of England, to declare that they would never submit to be slandered or tutored by the King's Ministers. He believed that that House was tainted with interest, and that corruption was to be found in it; but it was from the people of England that they were to receive rebuke as well as counsel. The executive government was not appointed to controul the legislature, nor to teach them their duty; they knew their duty, and if they failed to discharge it, their constituents, he hoped, always would, as they ought, come forward and correct them.

At length folding up the speech, he begged the House to excuse him for having preached so very long a sermon, but he desired them to remember, that he deserved not the name of Parson Spintext, for he held in his hand the longest text that ever required a comment; and a long text, they all knew, made a long comment indispensable.

Having been upon his legs a considerable time, and used a great deal of laughable, mixed with a great deal of serious argument, Mr. Burke, in terms of great earnestness, declared, he thought the Speech a compound of hypocrisy, self-commendation, contradiction, and folly; and were it not that unanimity was so absolutely necessary, just at the present crisis, he would move an amendment, and even yet he was not determined whether he would not still propose one.

Mr. Pitt.

Mr. *Chancellor Pitt* said, that the present was a moment for seriousness, and not for mirth. The gay flowers of a brilliant and exuberant fancy were proper for their season, — for hours of jollity and recreation. He should be happy to share in the delights of that fertile imagination which had so long been the wonder and pleasure of that House; but he could not consent to indulge himself in admiring the beautiful motes which people the sunbeam when his mind was occupied with objects so serious and important as those now before the House, and he could not approve of the indiscretion of that wit which so unseasonably ran away with the good sense and sober judgment of the honourable gentleman. He said he was as willing as any man to unbend his mind, and indulge in the recreation of the theatre; but it was only in the theatre, and in circles of amusement, that sober men would choose to give a loose to imagination, and abstract their minds from all business and reflection. He now rose, therefore, to bring back the House to sobriety and seriousness; and to tell them that this was neither a fit time, nor a proper subject for the exhibition of a gaudy fancy; or the wanton blandishments of theatrical enchantment; it was their duty and business to break the magician's wand, to dispel the cloud, beautiful as it was, which had been thrown over their heads, and consider solemnly and gravely the very perilous situation of the country, and by the force of their united wisdom, abilities, and experience, endeavour to rescue the kingdom from its difficulties by the restoration of an honourable peace. He had paid him many compliments, which he was sorry he could not either accept or thank him for, as they were accompanied with animadversions of such a nature, that only the elegance of the gentleman's genius could save from being ridiculous. — All such playful exercises of the gentleman's talent for the gay and ludicrous, he should treat with the same neglect that all sober men would treat them; and all compliments paid to him in such a style, he should never think himself bound to acknowledge. That his character of the speech, in regard to the matter and manner, would be admitted by the House, he could not believe, because he could not believe that they would consent to call that speech a farrago of hypocrisies and absurdities, which they had unanimously approved, and for which they had, *nemine contradicente*, agreed to present his Majesty with an Address of Thanks. That his Majesty's serious admonitions to his Parliament should be

be branded with such epithets; that his feelings on so serious a subject, as the dismemberment of his Empire, should be outraged; that his speech, delivered with all the sacredness of royalty, should be charged with mockery, hypocrisy, and even profaneness, were things which he did not expect to hear; and which nothing could justify but the circumstance of their being the overflowings of a mind, the richness of whose wit was unchecked for the time by its wisdom and consideration.

For his part, he was in a more serious mind; and he would endeavour to pursue a different language from what the honourable gentleman had chosen, and as he should not imitate him in style, neither would he resemble him in length.

In his Majesty's speech there was nothing that called for the ludicrous treatment the honourable gentleman had been pleased to bestow upon it. The language was plain, intelligible, sincere, and adapted to the occasion, and the address then under consideration was equally expressed with propriety. In order, therefore, that his Majesty's Ministers might yet know what part of it was liable to objection, he begged it might be discussed in a manner suitable to the subject. He had the day before addressed himself to grave and independent men, with a view to find, if there really appeared cause of objection to any part of it, that his Majesty's Ministers might have an opportunity of openly clearing up any doubts, that might be entertained, and convincing that House, that their intentions were founded in a zealous endeavour to promote the public good, and that in a manner the most unexceptionable. With regard to the construction put upon various passages by the honourable gentleman who spoke last, they were, upon the face of them, such as could not be maintained for a moment, by fair and serious argument. After defending that part of the speech in which his Majesty deprecates the evils that might follow such a dismemberment of the empire as the recognition of the Independence of America creates, he said, the honourable gentleman among other interpolations and misconstructions of the text, (for it was evident he had tortured the text repeatedly for the sake of furnishing an opportunity to pursue an inapplicable comment) had chosen to connect the paragraph expressive of the readiness shewn by the subjects of the city of London in the general defence, with the mention of the proof of public spirit that had been given by some particular

cular persons; two matters as distinct and separate as could possibly be. Was that House, was any man a stranger to the zeal of certain descriptions of men in the metropolis, who, when the Government, by a vigorous effort, was sending all the fleets of this country from our own coasts to the relief of Gibraltar, offered to embody themselves for the defence of the city? had that fact any natural analogy to the offer of money to build ships with for the use of the public? was there an idea entertained by any one member of that House, that there was the smallest degree of intention in his Majesty's Ministers, to apply the voluntary proofs of public spirit in private individuals, to an unconstitutional or a dangerous purpose? to what end then attempt by arguments so ill-suited and uncalled for, to endeavour to damp the ardour of the country, and repress its spirit in a moment, when it was most necessary to be excited? the honourable gentleman had ridiculed the calling forth the temper, wisdom, and disinterestedness of Parliament; would any serious man attempt to maintain that the exigency of the times did not render every possible exertion of the temper, wisdom, and disinterestedness of Parliament necessary; and, that being allowed, would it be contended, that it was an insult to Parliament to endeavour to arouse its attention, and that the admonition so gravely and solemnly given from the throne, was either unreasonable or indiscreet. The serious part therefore of what had fallen from the honourable gentleman, he considered as illogical and ill-founded; the trifling part as the redundancy of an over-luxuriant imagination, which in the hour of cool reflection, the honourable gentleman, he was convinced, would confess to have been ill-timed and improper. With regard to the honourable gentleman's question of the sincerity and reality of the explanation of the Provisional articles, which he had just given, he knew not, whether the honourable gentleman meant to insinuate, that he would be guilty of equivocation, when he solemnly stood up, as a Minister, in that House, and gave an explicit answer to a question explicitly put to him, but he trusted to his hitherto unimpeached character, that the House would not in candour suspect him to be capable of any such base and scandalous duplicity, till they had proof of his guilt; when they believed he was guilty, he should expect their detestation; but if the honourable gentleman now meant to impute any such charge to him, he should only say, that the imputation had,

had, if it might be permitted to a young man to say so to an old man, his scorn and his contempt.

If he had deceived the House in this instance, he desired to be considered no longer fit to be trusted in any degree. He pledged himself on his honour, that he would never sacrifice his veracity, nor be a party to a fraud for any poor and inadequate advantages which he could reap from his continuance in a station for which he did not think himself qualified.

Mr. Fox found it necessary to say, in explanation of the vote which he had given the address, that he by no means did it from a thorough approbation of the speech delivered from the Throne; that speech he detested as much as he despised, and he agreed totally and entirely with his honourable friend who had with so much wit, but not with more wit than argument and truth, exposed its absurdities and follies. It was the happy and envied talent of his honourable friend, to join wit so ingeniously with his argument, that he always entertained while he instructed; that he enlivened while he enlightened his auditors. The Chancellor of the Exchequer, instead of having dealt so liberally in his scorn and contempt, might, perhaps, with more credit to his colleagues and himself, have tried to answer the charges which had been brought against the speech. But he had chosen the easier and safer path he had judiciously seen, that a sonorous and solemn declaration was the best means of getting rid of an attack which he had not argument to refute. The honourable gentleman then said, that in agreeing to the address, he had by no means pledged himself to the topics in the King's speech. He had said, and he repeated it, that he should give the King's Ministers his support so long as he thought them in the right, and their treaty with America he thought perfectly so. The other parts in the speech he entirely disapproved of; and in doing this he entered pretty much at length into the topics adverted to by Mr. Burke.

He contended, that the Minister had clearly shifted the responsibility for recognizing the independence of America from himself to Parliament, and had added an insult to the fact, by making his Majesty blame Parliament by implication, for having obliged him to recognize the independence of America. He was not at all unwilling, for his own part, that the responsibility in this case should be thrown on that

House;

House; but there would have been more grace, and more dignity, as well as more propriety in Ministers taking the responsibility upon themselves. He saw, he said, the Minister's intention; he meant to wound the liberties of the people, by rendering that House odious, thereby to strengthen the power of the Crown; a design, as alarming as it was insidious, and he had long considered this, to be the plan of the present Minister. He reprehended Mr. Pitt for standing up and resting the sincerity of a ministerial declaration, on the purity of his own private character. Such conduct was by no means parliamentary; nor could it in this instance, have much weight: his private character had no reproach; but his character was to be tried. As a Minister he had no character. He combated the paragraph of the address, in which the Crown calls for the temper, wisdom, and disinterestedness of Parliament, with great ingenuity and power of argument, declaring it was turning the constitution upside down, inasmuch as the Minister, who is constitutionally responsible to Parliament for his conduct, and subject to their control, in that passage dictated imperiously to his masters, and gave the Crown an unconstitutional predominancy. If that House wanted to learn disinterestedness, they would never, he said, go to the sink of corruption, the Treasury, to receive their lesson; this of all others he contended to be a conduct in Ministers that defied example; if corruption lived within the walls of that House, the Minister's speech ordered her to stalk away; or it was his professed command that his work should be done for nothing, because he haughtily called for disinterestedness. If that period however was gone, when Corruption's dominion was shaken within their walls; when she was to date her banishment for ever from that House; when a substitution of virtue, integrity, and the other necessary attributes of honest delegation took place — that period certainly was the moment of passing the vote, moved by his right honourable friend (General Conway) for discontinuing the war with America. — The honourable Gentleman enlarged on this fact; he said, the relative situations of Parliament and Administration, by the dictum of the Minister's speech, was become so reversed, that "Ministers were become the monitors of Parliament." That the command of disinterestedness was a miserable attempt to gain popularity, and was, of all other ideas that could be possibly imagined, the most preposterous, and

and thrown out for the most preposterous purpose, to invite the people to fly to the Treasury and the Crown, as an asylum from corruption; thereby meaning to insinuate to the people, that they could and ought to have no confidence in their representatives, and that they must seek for protection in the crown. This was what he termed the most insidious attack that could be formed, in his mind, against the constitution, for it was aiming to inspire the opinion, that the period was arrived which Montesquieu predicts to be the fall of British liberty — when the legislature shall become more corrupt than the executive Government. He trusted, however, that we were not yet come to this period, and he had a confidence in the good sense and energy of the people of England, that they would never be brought hastily to entertain suspicions of that House; and when they did, that they would not fly to the Crown for deliverance. That this was the scheme of the Minister, he did not entertain a doubt; the whole tenor of his life shewed in what insignificance and contempt he professed to hold the Commons of England; and what pains he took on all occasions to fix an odium on their name.

The right honourable Gentleman concluded with declaring, that he wished Mr. Burke would make a motion on the speech, in order to rescue Parliament from the reproach which it threw upon them; and to teach Ministers, that they must not sport with the dignity of the Commons of England.

The *Speaker* said, it was his duty, with great humility and deference to the House, to state the point of order. He then with infinite precision laid down the rule, that no Gentleman was to speak more than once in a debate; to which there were only two exceptions, which custom and convenience had introduced. The one, where a Minister, or Member in office rises to give the House necessary information; the other, where a gentleman rises to explain, in order to prevent his facts or his reasoning from being misconceived and misrepresented. The *Speaker* begged it to be understood, that whenever he attempted to enforce the order, and the House over-ruled him, (as they undoubtedly had the power to do, whenever they pleased,) it was not to be imputed to him as a neglect of duty.

Mr. *Pitt* said a few words in explanation of his former speech.

The
Speaker.

General
Conway.

General *Conway* rose, and in a short speech declared, that nothing appeared to him more clear than that the recognition was unconditional, nor did he see why any fallacy need be practised, since the treaty itself would be submitted to Parliament in a very few days, when the House would be able to judge for themselves. The General said, he laid claim to no great share of knowledge or learning, but he thought there were some parts of the speech, properly the speech of Majesty; and some, for which the Minister was responsible. He declared, he was amazed to hear such constructions put upon the speech, as he had heard; he saw it in a different light. Before he concluded, he said, he had regarded the Minister merely in his public, and not in his private capacity. That he watched him closely, and saw no reason to doubt. That the surest way to keep him sincere, was to take care that he acted up to his professions, which, he declared, he had hitherto uniformly done.

Mr. Burke.

Mr. *Burke* rose again, and defended his former argument. He said, when the Chancellor of the Exchequer, talked of treating him with scorn and contempt, he made use of unfair weapons; for, however he might differ with that right honourable Gentleman, no circumstance under Heaven, could make him treat him with scorn and contempt.

Sir Richard
Sutton.

Sir *Richard Sutton* rose to assert, that the whole of the King's speeches were ever to be considered as the speeches of the Minister. Sir Richard said, he had read a printed account of what passed the preceding day in another place, and in that account it was stated, that a Minister had declared the recognition of the independence of America was done by virtue of the Royal Prerogative, and not in consequence of any Parliamentary vote or power.

The address was then read a second time, and agreed to. The following is a copy of the address.

Most gracious Sovereign,

We, your Majesty's most dutiful and loyal subjects, the Commons of Great Britain in parliament assembled, return your Majesty the thanks of this House, for your most gracious speech from the throne.

We beg leave to acknowledge, with sincere and hearty thanks, your Majesty's royal care and attention to the important and critical state of public affairs since the last session, and particularly for having been graciously pleased to direct
your

your measures to promote a cordial reconciliation between Great Britain and America.

Permit us to express to your Majesty our satisfaction that your Majesty, in the exercise of the powers which were vested in your Majesty, has laid the foundation of a peace with that country, and has actually agreed upon articles to be concluded whenever terms are finally settled with the court of France. We most ardently wish, that religion, language, interests, and affection, may yet prove the bond of permanent union between the two countries.

We are impressed with a due sense of the advantages resulting from the safety of the great branches of our trade, and of the happy success which we owe to the spirit of your Majesty's governor and garrison of Gibraltar, and to the skill and bravery of your Majesty's fleet: and we reflect with peculiar pleasure on the uninterrupted continuance of our domestic tranquillity, and the signal instances of public spirit which the situation of the country has called forth.

We rejoice to learn that advances have been made towards a general pacification, at a moment so suitable to your Majesty's dignity, and to your gracious and parental regard to the lives of your Majesty's brave and gallant subjects.

We desire to thank your Majesty for having promised to acquaint us, as soon as the terms are concluded; and to assure your Majesty of our resolution to take every measure to second the most vigorous efforts in the further prosecution of the war, if any unforeseen change in the dispositions of the belligerent powers should frustrate your Majesty's confident expectations of peace.

We are anxious to offer the warmest return of gratitude to your Majesty, for your gracious disposition to diminish the burthens of your people; and to assure your Majesty that your faithful Commons will, as they ought, most zealously co-operate in such measures as may be necessary to give stability to regulations for that purpose. We will cheerfully provide for the deficiency of the sum granted last year for the discharge of the debt on your Majesty's civil list.

We will apply ourselves, with the most serious attention, to the many important points which your Majesty is pleased to recommend to our consideration: we will do every thing in our power to remedy the evils which may be apprehended from the general scarcity of corn; to put a stop to the alarming excess of theft and robbery, and the causes from which

those crimes originate; and to lay the foundation of a gradual redemption of the public debt, by a fixed course of payment.

We recollect, with great satisfaction, those liberal measures adopted with regard to the rights and commerce of Ireland, which will, we trust, insure the harmony which ought always to subsist between the two kingdoms. And we shall be ready to consider of such a general revision of our trading system as may, in the present circumstances, be wise and expedient.

We are truly sensible of the necessity of framing such regulations as are adapted to the situation of affairs in the East Indies. And we beg leave to assure your Majesty, that it will be our great object, in all our deliberations, to manifest that temper and those principles which your Majesty is pleased to inculcate, and which are required of us by the duty we owe to your Majesty, to our constituents, and to ourselves,

December 7.

The Earl Ludlow reported to the House, that his Majesty having been waited upon, to know his Majesty's pleasure, when he would be pleased to be attended by the House, had appointed that day at two o'clock,

The House proceeded to take into consideration the King's speech, and resolved that a supply be granted to his Majesty, and appointed Monday for going into a committee on the motion.

The Speaker attended by a number of members then repaired to Saint James's to present the address of the House to his Majesty,

December 9.

Mr. Speaker reported to the House, that the House attended his Majesty on Saturday last with their address; to which his Majesty was pleased to give this most gracious answer:

" Gentlemen of the House of Commons,

" I return you thanks for this loyal and dutiful address.

" I am happy to receive your assurances of satisfaction on being acquainted that articles have been agreed upon with America, to take effect whenever terms of peace shall be finally settled with the court of France; and that while you rejoice to learn, that advances have been made towards a general pacification, you are at the same time resolved to
second

second the most vigorous efforts in the farther prosecution of the war, if any unforeseen change in the disposition of the belligerent powers should frustrate my confident expectations of peace."

In a committee of the whole House, Mr. Ord in the chair, it was resolved that a supply be granted to his Majesty.

December 10.

Mr. Rolle rose to ask Administration if they had any intention of moving a vote of thanks to General Eliott and Lord Howe. Mr. Rolle

Mr. Secretary Townshend said, that he was not prepared to answer the question officially; for his own part, he did not know that there was any such thing in contemplation, and he believed there was not; for it was considered that the honourable mention that had been made of their conduct in his Majesty's speech, and the approbation of that conduct expressed in the address of thanks to his Majesty, sufficiently conveyed the thanks of the House. He had a good deal of conversation with Lord Howe, and some of the officers under his Lordship upon the expedition to Gibraltar, and they were all thoroughly satisfied with having received the thanks of parliament in the manner already mentioned; and when it was mentioned to them, they said, in consequence of what had fallen from an honourable gentleman, in debate, they would much rather it were not mentioned. As to General Eliott, he could inform the House that he had received orders from his Majesty to write a letter to the General, expressing, in the highest terms he could conceive, his Majesty's approbation of his conduct, and also to inform him, that his Majesty intended to bestow on him a distinguished mark of his royal favour. Mr. Secretary Townshend.

Mr. Secretary said he spoke on this point totally uninformed of what others of his Majesty's ministers might mean to do.

Mr. Brett said he would, on a subsequent day, move for a renewal of the act which authorised the sale of captured vessels. Mr. Brett.

Mr. Hussey hoped, that the clause which impowered the Privy-council to treat for ransoming them would be left out, as it was shamefully abused. He did not mean to throw any aspersions upon the Privy-council, it was not their fault, nor was Mr. Hussey.

was it in their power to prevent the abuse; therefore he wished it were left out.

Mr. Burke. *Mr. Burke* rose to give notice, that he would resume the consideration of the system of reform which he had brought on two years ago, and of which some part had been carried into execution in the course of the last sessions. The House would recollect what was said on the subject of the crown lands; the matter had been postponed, in order to arrange it fully, and to gain the approbation and consent of the parties to whom it related. The motions, as originally made by him, were entered on the Journals, and he should, on the first convenient day, move that the same should be read, and then proceed to take the same into consideration.

Mr. Chancellor Pitt.

Mr. Chancellor Pitt said, that he had hoped the honourable gentleman would not have thought it necessary to intimate any such motion to the House, as the reform, to which the honourable member alluded, made a part of his Majesty's speech; and therefore if time was given to the King's ministers, they would certainly bring on the subject. He hoped, therefore, that the honourable gentleman did not mean to run a race with the King's ministers for popularity on the matter. It would be surely fair and decent to allow his Majesty's ministers time to bring before the House the subjects which were mentioned in the speech, and which they were pledged to carry into execution.

Mr. Burke.

Mr. Burke said, that it was by no means his inclination, at his time of life, to run a race; nor if he were so inclined, could he have any prospect of success in running against so young, so active, and so enterprizing a courser as the right honourable gentleman. But what need had he to run a race in the matter. The prize was already won. He had won the plate. The matter was originally his own, and the intrusion would be on the part of ministers; and the civility which was due to the original mover of a business ought to deter men from hastily interfering, and taking it out of his hands. He remembered an instance of such an intrusion of a recent date. When an honourable gentleman, who sat, at that time, on the same side of the House with himself, proposed the appointment of a commission of accounts, a noble Lord, in a blue ribband, hastily and uncivilly took the matter into his own hands, and strove to strip the honourable gentleman of the credit of so valuable a measure. He remembered too, that that honourable gentleman had so severely reprehended the noble Lord for his conduct, had held him in such reprobation
for

for his behaviour, that his friends were ashamed of defending him. He could not hope to be able to condemn such conduct in terms so strong and expressive as those made use of by the honourable gentleman alluded to; he trusted, therefore, that he should have his assistance, if he should have occasion to charge his Majesty's ministers with a similar interference.

Mr. Chancellor *Pitt* replied, that he did not wish, nor was it the intention of ministers, to rob the honourable gentleman of the laurels he had so justly won by his bill of reform; it was a wise maxim, it had met with the assistance and support of the gentleman now in administration, and therefore he thought it was the less necessary for the honourable gentleman to entertain any doubts of the matter, especially as it was mentioned particularly in the King's speech, that serious attention had been paid to the matter. He had a very high opinion of the honourable gentleman's abilities and integrity, and would be happy to concur with him in any thing that originated in so laudable an intention.

Mr. Chancellor Pitt.

December 11.

On the motion for going into a committee of supply, for the purpose of voting the navy,

Mr. *Fox* rose, he said, not to oppose the supplies, but he thought it his duty to know positively and explicitly, whether we were to have peace or war. He said, that on the 23d of November, the Secretary of State, had written a letter to the Lord Mayor of the city of London *, the most extraordinary

Mr. Fox.

* The following is a copy of the said letter, and also of another sent on the 3d of December. *Vide Debrett's Remembrancer.*

To the Right Hon. the Lord Mayor of London.

Whitehall, Nov. 23, 1782.

My Lord,

His Majesty's ministers, anxious to prevent, as early as possible, the mischiefs too commonly resulting from speculations in the funds during the uncertain state of negotiations for peace between the powers at war, and which it is to the general honour and interest of all great powers to avoid, have thought it their duty to ask his Majesty's permission, to communicate to you, for the information of the public, that the negotiations, now carrying on at Paris, are brought so far to a point, as to promise a decisive conclusion, whether for war or peace, before the meeting of parliament, which will, on that account,

be

ordinary and unaccountable he had ever heard of; and had therein assigned, as a reason for the prorogation of parliament, the treaty of peace which was on the tapis between this country and the belligerent powers; in that letter he had promised, that at the meeting of parliament, on the 5th of December, he would inform his Lordship and the public positively, whether we were to have peace or war. The parliament had met, and the public were still in a state of uncertainty; they were just now going to provide for the navy, and no explanation had been made by ministers. He therefore called upon them to stand forward and inform this House, whether we were to have peace or war. He did by no means wish to press ministers to reveal any matter that it might be prudent for them to conceal; he only wished they would inform the House, if they had any real grounds to go upon, when they sent that letter to the Lord Mayor. For his own part he believed they had not. He did not wish ministers to mention the terms of peace; he only desired them to tell the House, whether there was a negotiation at that time going on, and such a one as promised a peace; or whether there was now a fair prospect of peace, or a certainty of war? He desired ministers would be candid, and say,

be prorogued from Tuesday, the 26th instant, to Thursday, December 5. I have his Majesty's commands to assure your Lordship, that you will receive immediate notice of the issue.

I have the honour to be, &c.

T. TOWNSHEND.

A copy of the above letter was also sent to the Directors of the Bank of England.

To the Right Hon. the Lord Mayor of London.

Whitchall, December 3, 1782.

My Lord,

In consequence of my letter to your Lordship of the 22d of last month, I take the earliest opportunity of acquainting you, that a messenger is this moment arrived from Paris with an account of provisional articles having been signed the 30th of November by his Majesty's commissioners and the commissioners of the United States of America, to be inserted in and to constitute a treaty of peace, which is to be concluded, when terms of a peace shall be agreed upon between Great Britain and France, in order that your Lordship may make the same known to the public as soon as possible.

I have the honour to be, &c.

T. TOWNSHEND.

say, whether before the Christmas recess there was a prospect of having the information that was promised to be laid before the House. He would not cavil with them about a few days; but he wished they would speak explicitly on the matter. He saw there was such duplicity in some of their conduct, that he could not trust them. He then adverted to the avowed intension of the letter, which, from the integrity of the Right Honourable Secretary who wrote it, he would not impeach; but he would say, that it had a very different effect from that which it was professed to have; namely, to prevent gambling in the funds. If administration had endeavoured to invent a scheme to create speculation in that particular, they could not have thought on a more effectual one than that contained in the letter; it was telling them, "Gentlemen, we are on a treaty of peace, and on the 5th of December we shall come to a determination; now is your time for speculation, now is the time you may make your fortunes, if you are good politicians." Had it been known on the first day of the meeting of parliament, or a day or two after, what their determination was, it might have atoned for such a blunder; but we are still going on, says he, in the dark, and the public are in the same dilemma: he therefore thought it was a duty his Majesty's ministers owed the public, to say whether any unforeseen circumstance had intervened which broke off the negotiation that was said to be on foot the 22d of November, and on which ministers thought themselves justified in taking the step which they did of postponing the parliament for a week, and of writing such a letter to the Lord Mayor of London and the Governors of the Bank. It was incumbent on the Right Honourable Secretary to explain to the House the reason of things having turned out differently from what they had declared they would turn out; or to apologize to the House for having taken so extraordinary a step without good foundation and authority. It had been the cause of so much mischief, and might be the cause of so much more, in the consequences of the gambling it would produce that hundreds of respectable, but credulous families might be reduced to ruin. For all such consequences he should think his Majesty's ministers accountable. If the Right Honourable Gentleman had been deceived, and was not himself the deceiver, let him come forward and say so. There must be circumstances of a very curious nature which had tended to engage ministers in practising so poor a delusion;

for without a full and explicit explanation he must call it a delusion.

If the Right Honourable Gentleman did not choose to explain at this time, he would, at a future time, call upon him for the same satisfaction. He put in his claim to this, and when the whole of the business came fully before the House, he would then speak his sentiments farther upon the matter, and again call for what he had a right to know.

Some reason had been offered by another Right Honourable Gentleman (Mr. Pitt) for not entering into a farther explanation for the present, upon the provisional articles; at the same time observing, that by a reference to a particular passage in the King's speech, a full communication of their intention respecting America might be had. He was not satisfied with this. He knew that Right Honourable Gentleman was not the sole member of administration; and he likewise knew that different opinions prevailed amongst them, as to the explanation of that particular passage. The reasons, the Right Honourable Gentlemen gave, were as far as regarded himself perfectly satisfactory; but he could not go an hundred yards from that House, without hearing a far different explanation.

Was not this then a sufficient ground to doubt upon. It was surely necessary to find out, which of the two opinions was the one to be acted upon. The words in the passage of the speech alluded to, might be strong and explanatory; but if they were not taken alike by all, it plainly shewed, that they were indeterminate. It was of the highest consequence, that this matter should be cleared up, and put upon such a footing as could not easily be misunderstood. He might differ from the Right Honourable Gentleman as to the construction of them, and how was this point to be settled? It was not like a difference on any other occasion, where an appeal was to be had. If the Right Honourable Gentleman and himself entered into a bond, it was not of so much consequence whether or not they agreed upon the meaning of its contents; an appeal being made to a tribunal, that would certainly ascertain what in justice was the real intentions of it. But in the present instance, no such appeal was to be had; it was therefore the duty of that House, to call for the most explicit and unequivocal definition. He did not want the Right Honourable Gentleman who had wrote the letter, to come forth and relate such particulars, as by the nature of
his

ture day farther notice would be taken of the matter; he did not know but he should make a motion to that effect.

Mr. *Eden* begged to be understood to have voted the Address as a mere respectful acknowledgment of the communications made by his Majesty. He had joined in that acknowledgment from a desire to promote unanimity in a moment big with public danger and difficulty. He had shown himself by no means a worshipper of the Ministers in the hour of their triumph; and whilst they were unbroken. He was far, however, from the wish, even if he had the ability, to molest them in this season of their embarrassments. Mr. *Eden*.

He considered the speech as merely stating a depending unfinished treaty, which had opened a prospect of peace, but still left the country in a state of war. And as to the meaning of the provisional articles, he was of opinion, that the differences between Ministers, so much talked of, were rather in words than in substance; it appeared to him, that the Colonies, at this hour, possessed both an actual and an acknowledged independence. And whether that independence was to be proclaimed at the close of this treaty, or at the close of another which might soon be opened; whether it was then or whenever a peace was concluded with France; whether it was the preliminary to a treaty, or the preliminary of a treaty, the distinction, so far as the recovery of the late Colonies was concerned, seemed to him immaterial. Since they were to be independent, it signified little, whether, pending the war, they were called revolted Colonies, or a foreign enemy.

The policy of offering independence was obvious in its intention; he doubted its solidity; but since the trial was to be made, he wished that it had been more fully and explicitly made. He doubted whether the act of Parliament empowering the King to treat, authorized a dismemberment of the empire; but if the power did not exist by statute, it must be sought in prerogative; it was, however, a dangerous prerogative, of an alarming extent, and he must presume that Parliament would have been consulted, unless there were circumstances in the articles respecting boundaries, oblivion and indemnity to loyalists, commercial advantages and arrangements, payment of large debts due to the British merchants, and other matters which might make part of the provisions, and justify that mode of treaty upon the ground of expediency. Mr. *Eden* wished nevertheless to know from Mr. *Fox*, why, in his plenitude of power, and in his zeal to give independence

dence to the Colonies, he had not brought the proposition before Parliament, as the mode most conclusive, and of the greatest notoriety.

His opinion, he said, had never varied, either as to the justice of the war, or its practicability at different periods; but he had considered the contest as given up, from the hour that the vote (under whatever assurances it might have been obtained) had passed last year to compel a defensive war. That vote alone would have created the necessity of giving independence. That vote left the Ministers without either power or pretext to pursue the recovery of the Colonies. It had not, indeed, obliged them to evacuate and make a gratuitous cession of Carolina and Georgia, and it was not yet easy to ascertain why they had resolved on those measures, or why, having resolved on them, they had so long delayed the execution of them.

Mr. Burke. Mr. *Burke* spoke next. His honourable friend had asked a plain question of the right honourable gentleman, and what had he received for answer? He could get no farther information on the subject than before had been given; the passage in the speech was again held up as full and explanatory, and carrying its own meaning upon the face of it: but so far was it the contrary, that Ministers themselves did not construe it alike: they were divided in their opinions, and which of them was to be adhered to? No satisfaction could arise from such a diversity of opinion. He had understood the article in the same manner with his honourable friend; but he no sooner went abroad than a rumour was spread that it was construed by some to have quite a different tendency. It might be here said, that a thing so serious ought not to be affected by a light rumour; but he was of opinion, that, in proportion to the weight and consequence of a matter, a rumour, let it be ever so light, ought so far to affect it, as to make men jealous who had any concern therein, lest any thing improper or dangerous was likely to befall it. In cases like the present, it was necessary to probe rumour to the bottom; if there should appear no foundation for suspicion, there was a satisfaction in safety. Matters of trivial consideration were not so to be affected or attended to, on slight reports; the danger in letting them pass was trifling; their own want of consequence made it so, as nothing very calamitous could arise, even from the worst that could happen; but in affairs of such magnitude as the present, who could be too much on their guard? The slightest rumour ought to have its weight; mischiefs

mischiefs of the last description, might be prevented by nice, jealous, and timely interference; such mischiefs, as if not averted, might never be remedied. What he had heard, was from no trifling authority, but any amongst those with whom he held communication could inform him, that Ministers were divided as to the construction of the passage so much pointed at in the Speech.

His Majesty's Ministers, in thus talking a double language, resembled the serpent, which naturalists describe to have two heads; that is, a head at each end. Such a serpent, he hoped, lived only in chimera; but Ministers resembled such an animal; they hissed a different language from the head and the tail, and men were confounded between the contradictory stories.

The right honourable Gentleman had told his honourable friend, that if he would point out any of those who were stock jobbers, he would drag them into light. Wonderful indeed was his power! he could drag those to light, who were first pointed out to him.

Those of such a description, if they were in existence, were in the light already, and need only to be pointed out to be despised. That they were in existence, his honourable friend might shew, by taking him to Jonathan's, or into the Bank, where the right honourable gentleman might drag away; he might, for ought he cared, throw his net, and drag them all on shore together. What he had to ask of the right honourable gentleman was, some satisfaction upon the business of the preliminary articles, particularly that respecting American independence. Was this business done by virtue of an act of the legislature, or by that of prerogative? If by prerogative, he would venture to say, that prerogative, so used, was a very dangerous thing. But what was become of the negotiation, and the immediate peace that it promised? *aut eris, aut non*. If it was ever in being, why was not Parliament properly informed?

There were three opinions in this country respecting the great and important question of American independence; they might each of them appear reasonable and upright; he would not pretend to decide upon either of them. The first of the three was, "That independence to America, under any considerations or conditions, was a real misfortune to the nation?" this idea might prevail with some men of every description in that House, and he was sorry that it

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consisted of those of all descriptions ; he should not pretend to refute it. The next was, " That independence ought not to be granted to America, without an equivalent of some nature or other, as the price of peace, or for something beneficial to this country ;" the last was " that it should be given up without any consideration of any sort, that the recognition of it by this country should be free and unlimited : " amongst the last class, was himself and his right honourable friend. The most uninformed person in that House could not but perceive that independence was not to be withheld from America five years ago ; that is, that this country had not power to withhold it. The moment an offensive war was waged, from that moment America was lost beyond all hope. He wished to ask the right honourable Gentleman to which of these opinions the preliminary articles referred, or were built upon, before he voted the supplies, which were then going to be asked for.

Mr. Chancellor Pitt.

Mr. *Chancellor Pitt* said, that his right honourable friend was clearly right in saying, that he did not think himself bound to make either an explanation or an apology ; for an apology could only be proper where there was a consciousness of offence, and an explanation could not be made consistent with duty. It was his opinion, that the present debate was rather disorderly ; for it was clearly the point before the House, to enquire whether the Speaker should quit the chair, in order to vote the seamen necessary for the service of the ensuing year. Whether we were to have a war or a peace, he conceived it would be necessary to have a war establishment in the first instance ; and surely if we should have a peace in a short time, and that the seamen voted should not be necessary, the grant of the sum would not be improper, for it might in the winding up of a peace be very wisely applied to the discharge of so much of the navy debt. He saw that there was a disposition to accuse, and therefore he should be more measured in his expressions. He had said undoubtedly, that the provisional articles would be laid on the table of the House in a few days, but he trusted that the House would not construe these words so nearly as to accuse him, if they should not be laid on the table for a week or a fortnight. But he had said, that it might be inconsistent with the public safety to lay them on the table, pending the negotiation with the other powers at war ; he was still of the

the same opinion, and could only now assure the House, that they would be laid before them, on the instant that there should be a conclusion either for war or peace. At the same time he begged leave to say, that the explanation which he had given of the provisional agreement, he had given on mature consideration, and he persisted in it. The provisional articles acknowledged the independence of America, substantially and conclusively, and the recognition could not be revoked, even if the present treaty should go off. This was the opinion which he entertained, and which he always should entertain in all possible circumstances.

The attack which had been made by the honourable gentleman on the letter written by his right honourable friend, appeared to him at least rash, and premature. When the time came that the whole business should come regularly before the House, he was certain the most substantial reasons would be offered for his conduct on that occasion. However oddly gentlemen might now consider it, he knew it, and they too would know it in due time to be connected with circumstances which rendered it the best plan that could be adopted. The consequences, even supposing them as extensively pernicious and extravagant as they had been described, were not chargeable on his right honourable friend, whose intention was certainly right. An explanation of the various circumstances which led to such a determination, he hoped, would not be pressed, as at this stage of the business it was totally inexpedient.

Mr. Powys said, that he by no means agreed with the right honourable gentleman, that they were out of order who argued against the Speaker's leaving the chair, on the ground of there being a contrariety of sentiment between his Majesty's ministers on the construction of the provisional articles: for if it was possible, by any possible construction, that the mad and infamous war with America could be renewed, gentlemen were right in withholding supplies from his Majesty's ministers, by which that war might be carried on. But he was ready to accept of the testimony of the right honourable gentlemen, members of that House, who were also members of the cabinet, and he considered them as pledged to the House for the explanation which they had given of the provisional agreement. On their explanation he had given his vote for the address, and on their explanation he should give his vote on that night; but he considered them as hostages to the House, for the explanation which

Mr. Powys.

had been given by them; and therefore he gave no credit to the rumours and reports of what had been said out of that House.

Mr. Sheridan.

Mr. *Sheridan* said, that it was not only the noble Earl at the head of the Treasury who had given an explanation of the provisional articles different from that given by the Ministers in this House; but in a public company, where he was some days ago, a noble person,* in whose words he placed more confidence than in those of the noble Earl, had given an opinion exactly correspondent. This was not a matter of private confidence. It was not mentioned as a secret, and therefore he was at liberty to make use of the explanation, and to advance it as an argument of caution to the House how they hastily voted a war establishment on language so contradictory.

The Earl of Surrey.

The Earl of *Surrey* did not pretend to account for the conduct of Administration, but whatever differences might divide them on points of inferior moment; he had not a doubt, but they were all very seriously united in realizing the independence of America. Those who affected still to stickle for this impracticable object, and were not even yet cured of their attachment to ideas of subjugation, were the very persons through whose mal-administration this dreadful dismemberment of the empire became unavoidable. He was now, however, of opinion that no Minister, whatever his talents of address, his influence, or principles were, durst renew this war which the nation so heartily and unanimously reprobated. He would therefore vote for the supply from a conviction that none of the public expenditure would henceforward be prostituted in supporting a measure thus unjust and obnoxious. And he was as firmly persuaded, that the American war was now, and he trusted for ever at an end, as he could be of any event whatever, which depended so much on the contingencies of futurity. Nor should he be more surprized at the renewal of it, than at their disinterestedness, who having accumulated to themselves and creatures a variety of pensions, should in this crisis of public exigence and extremity liberally and nobly resign them. It was his firm opinion that both these facts were equally improbable, and in the faith of this he was for going directly into the committee.

Mr.

* The Duke of Richmond, in a conversation at a meeting of the Society for Constitutional Information.

Mr. *Wrexall* warned Ministers and Parliament, that France was amusing and deluding this country; that Spain was not in any treaty with us at that moment; and, above all, that Du Barras St. Laurens had sailed from Brest with twelve sail of the line, and sixty-four transports, twelve days ago. That he joined D'Estaing at Cadiz, who had ten French, and eight Spanish ships of the line, under his command. That this fleet, making thirty sail of the line, and having thirteen thousand troops on board, was gone to the West-Indies, and that Jamaica, was their object. He bestowed high encomiums for having so seasonably and silently detached Sir Richard Hughes with a small squadron for the West-Indies, and trusted they would not overlook the present designs of the enemy.

He likewise warned Ministers against daring to cede the Northern Circars to France, or on any consideration, ever restoring to Holland the invaluable harbour of Trincomalé, in the island of Ceylon, which, he said, was the key to India, and which had been the preservation of Madras, and all our East-India dominions in the present war, by having been captured by Sir Edward Hughes.

Sir *Cecil Wray* confirmed what Mr. Sheridan had said in regard to the conversation of a noble person some days ago, and said, that this contrariety of sentiment gave him just alarms, and made him hesitate to grant a war establishment, when he could not be absolutely certain that the war with America was actually at an end.

Mr. *Courtenay* said, that gentlemen had taken notice of the contradictory language of his Majesty's Ministers, and had expressed their apprehensions, that from the language of a noble Lord in another House, there was delusion in the provisional agreement. For his own part, this contrariety of sentiment and explanation, only furnished him with a new proof of the talents of the noble Lord in question, who was exceedingly well skilled and adroit in the dissemination of discordant opinions for the sake of unanimity. As two negatives produce in rhetoric an affirmative, the noble Lord in his casuistical policy knew that two opinions of an exact contrary tendency, was likely to convince men of different principles, and to bring them over to his way of thinking. For instance, there was one set of men who thought we should not grant independence to America, without a compensation, such as procuring a general peace. To these men, therefore, the noble Lord declared that the

Mr. Wrexall.

Sir Cecil Wray.

Mr. Courtenay.

provisional articles contained only an offer of independence, which might be recalled in certain circumstances, and by this explanation he brought over all such men to his side. There were another set of men who thought that it would be magnanimous and good policy in this nation to acknowledge the independence of America in the first instance, absolutely and irrevocably. To meet the ideas of those men, the noble Lord's colleagues in this House came forward and declared that the provisional agreement did this fully and finally, and those gentlemen were also brought over. This, says Mr. Courtenay, is what I call disseminating contradictory opinions for the sake of unanimity, and surely this is a talent of ministerialism which every man must commend. The true excellence of a statesman was to make use of this sort of ambi-dexter squinting policy, which looked both ways at the same time, and consulted the good of the public as well as of the individual. It was the talent of that noble Earl, and a glorious profitable talent it was, so to contrive his measures as to make them palatable to all; his language was at all times such, that he could explain it either this way or that way, and that every other man might do so too. It was this that constituted the merit of a great statesman and an able minister. He said that he, and indeed every man had an implicit confidence in the Chancellor of the Exchequer. The explanation which he had given of the provisional articles, would certainly have the proper effect on the House; and indeed the noble Earl of whom he had spoken, had shewn his genius and judgment in procuring the aid of this Right Honourable Gentleman in his administration. He had placed him in the cabinet for the wisest of purposes. There was a kind of magic in the name and lineage of a Pitt, which the Earl of Shelburne knew must have its influence on the nation. The noble Earl was a great philosopher, and he had been taught, probably by Dr. Priestley, that in a medium of foul and corrupted air, the best means of purifying and correcting the same, was the introduction of a young vegetable, by the dephlogisticated air of which the foul air would be amended; and he no doubt knew from experiment, that an exhausted animal would live much longer, and a candle burn bright in dephlogisticated air, than in any other.

General
Conway.

The Commander in Chief (*General Conway*) said, that with respect to the provisional agreement, he had mentioned before, that it was immaterial what the opinion of so insignificant

significant a man as himself was; but he declared, that it was his precise opinion, that the provisional agreement was a full, absolute, and irrevocable recognition of the independence of America. It had naturally been the desire of his Majesty's Ministers, in obedience to the will of that House, to conclude a separate treaty with America; but finding, after repeated trials, that that was impracticable, they did what was the next thing in their power. They made a treaty, the provisions of which the Americans would claim whenever they thought proper so to do—a treaty recognizing their independence, which was to take place whenever a peace should happen between this country and France; and which, at the same time they might claim whenever they thought proper to conclude a separate treaty with Britain. He averred, that this was the nature of the agreement which had been made; and he begged to call the recollection of the House to the language which he had held at the conclusion of the last session, in order that they might perceive that he had at least the merit of consistency. He had read a paper containing his sentiments, of what were the principles on which his Majesty's Ministers acted. One article of that paper was, that they should acknowledge the independence of the United States of America, as the basis of a treaty for peace, and that in all future negotiations for peace, they should be treated with, and considered as an independent state. This was the declaration of his principles with respect to America, at the conclusion of the last session; and the House would see that it corresponded entirely with the measure which had been taken. There was, therefore, so far as he knew, no duplicity in the Cabinet, and nothing which was in the smallest degree delusive or unfair.

The question was now put for the Speaker leaving the chair, which being agreed to, the House went into a Committee of Supply, and Mr. Ord took the chair at the table.

Mr. *Brett* then rose, to move for the seamen necessary Mr. *Brett*. to the service of the current year. The last vote was of one hundred thousand seamen and marines; but though this was the number voted, he observed, from the returns, that there were actually borne and mustered upwards of one hundred and six thousand; and that there had been a regular, monthly increase, in consequence of the increasing number of ships employed on actual service. The number of

of line of battle, now in actual employment, was one hundred and twelve, The prospect of more ships being employed was great, and therefore it was fair to conclude, that this number would also increase; he would therefore move, that one hundred and ten thousand men be employed for the sea service of the year 1783, including twenty-five thousand five hundred ninety-one marines.

Capt. John
Luttrell.

Captain *Luttrell* rose and said, that he presented himself to the Chairman and to the Committee thus early in the day, not so much for the purpose of giving his hearty assent to the number of seamen the honourable Member had moved for, as to express a secondary wish that the debate might be confined within its proper limits (at least as far as it related to marine affairs); he knew that the question was such a general one as to open a field for argument on other subjects, beyond what he could possibly describe, for there were gentlemen of fertile brain and vast elocution, whose genius would furnish them with matter sufficient to deliver a treatise, not only on the transactions of the present war, but by contrasting them with those of former ones, might keep debate on this question alive for a week; it was his best wish, however, not to have occasion to trouble the Committee again in the course of it, and he could assure them, it should be from indispensable necessity if he did do so, not that he meant to desert any opinion which he had before given respecting the means or industry that had been used by the late Administration, to put our navy upon the most formidable and respectable establishment, for he was every day more and more convinced by events, that the judgment he had formed was a just one, and that he had been well warranted in every thing he had advanced to Parliament on that subject; but he conceived such parts of naval matters, as either depended on mathematical calculation, or appertained to the civil departments of the service, could not be properly argued on.— The estimates were laid on the table, nor should he invite the discussion then, for he thought it time rather to direct our attention towards what was best to be done for the general good of our country, than to repeat grievances, or to look to past errors, with any other view than to correct them. The military operations of the fleet, however, were certainly the proper subject of the present debate, for without entering upon it, country gentlemen would be unable to judge what naval force had been found sufficient

sufficient to maintain the honour of this country, and the safety of its dependencies. The honourable mover had stated the number of line of battle ships now in employ to amount to one hundred and twelve. In December 1781, we had ninety-two sail of the line in commission, of which number were included but five fourth rates: there were twenty-three building, or under repair, but so forward as to come into service within the year 1782: so that allowing for five sail to require a very large repair, the late First Lord of the Admiralty counted upon having one hundred and ten sail of the line in commission by this time. He found his successor in office, by the honourable member's statement of our force, had done as much as his predecessor pledged himself to do, and he would not entertain a doubt, but that if, in the event of the belligerent powers refusing to accede to honourable terms of peace, it should become necessary to prosecute the war with redoubled vigour, that the naval exertions of this country, under the direction of the present First Lord of the Admiralty, assisted in the execution of them by the best sea officers, and the most experienced and intrepid seamen in the world, would be felt with surprize and confusion by our enemies, would be admired and rejoiced at by ourselves and by our friends. But if he wished to erect that noble Admiral's standard of reputation on the ruins of another man's character, and not on his own merits, he knew that noble Lord too well, to believe that he would not thank him for an edifice built on so poor a foundation; even if it was not liable to be shaken by justice. He never would be forward to calumniate any man, but in his praises he always endeavoured to deal equal justice, and should only bestow panegyric where he knew those out of the House, as well as in it, who were competent judges, might subscribe to particular commendation being due. He must now refer, in support of the ignorance he had charged an honourable member with, respecting naval concerns, to a note taken in the spring of the year (for in matters of importance he never trusted to a treacherous memory.) He then read as follows: "Mr. Secretary Fox, in an abstract debate respecting the raising a military force by arming the yeomanry of the country for its defence, introduced the state (as he called it) of our own fleet, and insisted, that it was in a wretched, weak, and disabled condition, so much worse was it than he had represented or conceived, that he scarcely knew how to venture to name it

to the House. That we were to expect by every packet the news of some naval disgrace, for that our fleet, once the dread of all the world, was become despicable indeed ; and that least much should be expected from it when little could be done, he was under the necessity of informing the House of its being so reduced in point of force as to be no higher than as one to three, when compared with the fleets of our enemies." Capt. Lutterell was happy in reminding the House how directly contrary the events turned out to what the honourable member had prognosticated, and that they were in possession of proofs that the honourable Member's account of our naval strength was founded on error, ignorance, and misinformation, which could not now be so coloured again as to mislead their judgment, even by that honourable Member's insinuating language, with which he before deceived them, and then called in aid of his pretensions to professional knowledge the sanction of two hundred and seventeen members, given to his former naval motion, when, amongst that number, there could be very few, except the two sea officers, competent to form a judgment on the subject ; but they must have supposed his bold assertions were founded on such respectable information as his situation in the state gave him the power to procure. The period being now arrived when every man in this nation could determine whether the right honourable member's account of our naval strength, or that which he had the honour of pronouncing, was most true, he felt no pain about the decision ; for he remembered that soon after the honourable member had drawn his melancholy picture with shades, to create dismay in this country, and to give fresh spirits to our enemies, news was received from the East-Indies of great advantages being obtained by Sir Edward Hughes over the Dutch, of the capture of many of their valuable settlements and ships, and of substantial service being done in that country against our natural enemies. In the home seas, our strength was found sufficient to protect our commerce, and to keep the fleet of Holland in such awe of us, that they had not ventured to put to sea in array, but been content to steal to sea with single ships.

From the West-Indies we received the joyful news of the glorious victory obtained over Mons. De Grasse, and the French fleet, with the capture of part of them ; and that it was by a very precipitate flight the rest escaped. The great gallantry and naval exertions of the British fleet under Lord Rodney, which shone so peculiarly bright on that day over those

those of the enemy, would be lamented by France as the setting sun of her pretensions to equal Great Britain in naval skill and power; and he was in the judgment of the House, if he ever complained of the right honourable member introducing the state of the navy in great national questions, but only complained of his habit to do it, when matters as irrelevant as a turnpike bill were under discussion. He hoped that what he had said might serve as an answer also to another honourable member, who the other day held a like sort of language, with respect to the weak state of our fleet in the last spring; but he was happy to find that both the honourable members were possessed of magic art, to have rendered it so formidable in an instant, as they now both agreed in opinion with him it was. And in this he trusted no man would differ from him that the present First Lord of the Admiralty had made the best possible use of the force put into his hands; that merit was certainly due to him, and he believed the noble Lord would claim no other! but he could not help observing on the proof an honourable member had offered, that the noble Lord in the blue ribband had hazarded ill-grounded assertions, by desiring he would look to the fate of the Royal George; and that many other ships were in equal danger. The first part of his reference, he was sure, would not be applicable brand the last, he hoped, would not prove true. The fate of the Royal George was certainly a melancholy and lamentable one; but the accident which sent her to the bottom, would have had the like effect, had she been a new ship; but he hoped to God, the direful experience we had so dearly bought, would free us from the danger of such another calamity. That she was sea-worthy in the opinion of the present Board of Admiralty, was clear, by her being destined for a flag ship on the Gibraltar service. He trusted, that if he wished to pass over the consideration of what was due to the great spirit and masterly conduct (as he hitherto beheld it) of Lord Howe and the British fleet under his command, which relieved that garrison, it would not be attributed to any doubts he at present entertained, that a more essential or beneficial piece of naval service to this country never was performed, and that it ought to be ranked among the foremost of those gallant exploits, which has raised his Lordship's name so deservedly high in his profession, and in the eye of our enemies; but he did not wish to see the flame of dissention kindle again in the naval service, and therefore would not now oppose the information he had received on that subject,

this bold and original operation was performed without delaying the fleet one day from the expedition to Gibraltar. The honourable gentleman charged him with gross and complete ignorance of naval matters. If he were to pretend to the knowledge of a professional man, he should justly subject himself to the contempt of the House; but undoubtedly the subject of the navy, as a branch of our force, and taking it as a matter of state, was a topic to which every man, who pretended to business, must have given great part of his attention; and he had through life made it his study to acquire from professional men the information on every given point, which it behoved him, as a member of that House, and of his Majesty's councils to know; and he took this to be the only true and certain lights, by which a man, who had various pursuits, could guide himself. The honourable gentleman talked of the necessity of having professional men at the Board of Admiralty, for the benefit of their conducting the business of that House with brilliancy and eclat. Perhaps the honourable gentleman had, by the speech which he had delivered on that day, been striving to shew Ministers how advantageous it would be to have a professional man, who was a member of that House, at the Board. For his own part, he thought something more was necessary than the abilities of speaking in that House to the due execution and discharge of their duty in the office. But with respect to the honourable gentleman alluded to, if there was any man on earth qualified more than another for the office which he filled, it was him, and he highly approved the discernment with which Lord Keppel had selected the gentlemen who made the Commissioners at that Board.

The honourable gentleman said, that the ingenious opinion advanced by Mr. Courtenay was exceedingly expressive of the noble Lord's character. It was very true that he acted in such a stile of duplicity and art, that his language would bear any construction that either he or his friends might choose to put upon it. He believed that no man knew so well how to accommodate himself to the opinions of mankind, how to frame his measures so as that they might look every possible way, and bear every possible explanation, than he did. It was, therefore, very evident and clear to him, that if he could in the first instance cajole his colleagues in office to agree to the provisional agreement, under the persuasion that they thought it was a complete and irrevocable recognition of the independence of America, he would concede any thing to bring

bring over those gentlemen to his purpose ; and having obtained it, he then would accommodate himself to the temper of the other set of men, and by this discordant means be able to produce unanimity.

This seemed to be the plan and language of the Earl of Shelburne, first to his colleagues, and then to all the world. "Do you sign this treaty according to your own acceptance of it." The treaty was so happily worded, that it bore the noble Earl out in this address. He bowed to his colleagues, told them he undoubtedly meant to force no man's opinion, and begged them only to sign it on their own construction. There surely was no scheme of unanimity so complete as this, for it embraced all opinions, banished all contradiction, and brought men of the most discordant principles to the most decided union. He approved what had fallen from Mr. Powys, who had termed the Ministers of that House, hostages for the ratification of the provisional treaty, agreeable to their avowed construction of it. He would, he declared, be content, in the marked phraseology of his worthy and respectable friend, Sir George Savile, to accept of personal security, that the construction put upon the provisional treaty was enforced, and therefore he would follow the example of Mr. Powys, and consider the three right honourable gentlemen as hostages for the due performance of what they had solemnly declared was the true meaning of the treaty.

Mr. *Secretary Townshend*, who had risen several times in the course of the debate, got up again to explain ; and, concluded with lamenting that his words should be so strangely perverted, and that, standing in his present situation he should be so questioned on a subject on which his duty prevented him from being explicit.

Mr. Secretary
Townshend.

Lord *North* said, he felt not a little compassion for the distress of the Right Honourable Secretary of State on account of the embarrassment and difficulty he had evidently been thrown into, by having questions put to him, to which, for reasons of state, and from motives of prudence, he found it impossible to give a direct and explicit answer. It was not long ago that he had himself been repeatedly embarrassed in the same manner by questions put to him by that right honourable gentleman with great peremptoriness, and with great harshness, and he would add, sometimes with cruelty ; he could not therefore resist the impression of a fellow-feeling with those, who now had the honour to share in his Majesty's councils ; and he hoped, that from what they experienced at this time, a severe and obstinate perseverance in demand-
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Lord North.

ing answers to questions that regarded matters of state would no longer be prevalent within those walls. The motion that had been made for 110,000 seamen, his Lordship declared had his hearty concurrence; and that, because he considered it, as a motion equally proper, whether it was regarded as a motion calculated for war or peace. Notwithstanding all that had been said, as well that day as on the preceding days of their meeting this session, respecting the negociation for peace, in which his Majesty's Ministers were now engaged with France and the other belligerent powers, it behoved that House to consider the country as a country in a state of war, of actual, immediate, and dangerous war; but which, from the glorious and brilliant successes of the last campaign, had assumed a much more promising appearance than it had worn before this last year. For his part, he said, he did not regard our resources for a vigorous continuance of a just and necessary war, with the same gloomy and desponding impressions that some other gentlemen had declared they felt. At the same time, however, he had not by any means lost sight of his rooted conviction, that a peace, proper for Great Britain to accept, was a matter extremely desirable. As a friend to peace, therefore, he would give the present motion his vote, since nothing could, in his opinion, more effectually tend to produce peace, than our shewing our enemies, that the Parliament of Great Britain, notwithstanding the pendency of a treaty of pacification, were effectually enabling government to continue the war, should a continuance of the war from any unreasonable demands of France, appear to be necessary; and that the government of this country were not relaxing in the smallest degree from every possible preparation for active and determined war. With regard to what had been said of the provisional treaty, as to whether the recognition of the independence of America was conditional or unconditional, revocable under certain circumstances and under certain contingencies, or totally irrevocable from the moment it had been signed, the treaty was not before them, and therefore, the House not being admitted, and in his judgement wisely not admitted as yet, to have it upon their table, it was impossible for him, ignorant and in the dark, to pronounce his own judgment what the terms of the treaty were, or how far they extended either in the negative or the affirmative, with respect to the questions that had been put to his Majesty's Ministers that day. Certain, however, it was, that constructions and interpretations of those terms, exceedingly different in their purport

purport and meaning, had been given by such of his Majesty's Ministers as were members of that House, and the noble Lord who held no inconsiderable office, and who possessed not the smallest degree of power in Administration, in another place. That day, from different gentlemen, more than one of these constructions and interpretations had been held up, as that which was the right one, and on which the public ought to step. Now, although they had not the provisional treaty itself before them, and therefore could not speak to the terms themselves, it was undoubtedly warrantable to comment upon the different constructions that had been put upon the meaning of those terms. Without, therefore, intending in the least to impeach the sincerity or the integrity of those of his Majesty's Ministers, who stood up in their places in that House, and gave it as their construction, that the recognition of the independence of America was irrevocable and unconditional, he was inclined to imagine, that the different construction given by other Ministers in another place was the right one. The right honourable gentleman on the Treasury Bench, who had declared they conceived that the recognition of the independence of America was irrevocable and unconditional; he had no doubt, conceived that to be the fair and candid interpretation of the terms; but he would state the reasons, which induced him rather to think that the opposite construction was more likely to be that which was mutually understood by the negotiating parties. The treaty was confessedly provisional, and it was not to take effect till the treaty, now negotiating with France, was concluded. On this account his Majesty's Ministers did not now lay it before Parliament; and declared, they did not mean to lay it before Parliament till the negotiation at present carrying on at Paris, was brought to a finish, one way or another, either by being broken off altogether, or by being ratified. He thought, they acted with perfect prudence in so doing; and if any motion was made to urge them to lay the provisional treaty before Parliament, previous to the general treaty of pacification being concluded happily, or broken off entirely; he, for one, would give such a motion his negative; but as the same time all the argument obvious on this wise and politic precaution of Ministers, tended to confirm him in his opinion, and to strengthen the probability, that the recognition of America was conditional, and dependent on certain contingencies; if it was not, all the reasoning grounded upon the imprudence of making that treaty public, during the pen-

dency

dency of the general treaty for peace, would be wiped away. Besides, for what reason was this country now to bind herself to grant America a certain beneficial condition at the conclusion of peace, if the war was continued ten years longer? In that course of time an infinite variety of events would undoubtedly happen, some of which might place Great Britain and America upon footings extremely different from those on which the two countries stood at present, and it might then be madness in us to admit, what prudence and the exigency of affairs might now make it expedient for us to concede. Besides if there was any explicit meaning to be drawn from the contradictory expressions in his Majesty's speech from the throne, and in the Secretary of State's letter, that meaning agreed more with the explanation given by the Earl of Shelburne than with that of the Ministers in the House of Commons. On these views of the nature and reason of things, his Lordship repeated it, that he was inclined to think the recognition of the independence of America conditional; and thus the House had his comment on the different constructions given to the terms of the treaty by different Ministers.

With respect to the letter that had been sent into the city by the Right Honourable Secretary of State, he thought it fair to say, that, in his opinion, the right honourable gentleman, in sending that letter, had shewed himself an honest man and a worthy Minister. The intention of it, he made not the smallest doubt, was perfectly upright. The right honourable gentleman's letter put the whole public on an equal footing; it neither suffered the misinformed to consider the farther prorogation of Parliament as a certain indication of peace, nor did it permit those in the secret to derive an unjust profit from the extent of their information.

He acknowledged, however, that he wished the spirit of the first letter had been kept up to, and that the second had not talked of a provisional treaty with one of the powers at war, which undoubtedly fell far short of the expectation that had been held out by the Secretary of State in his former letter.

Having spoken at some length upon this point, his Lordship adverted to what had been said on the subject of the navy, and averred that almost all the credit of the present flourishing condition of the navy was to be attributed to the late Board of Admiralty, by whose exertions the stores and materials had been collected.

Mr.

Mr. *Fox* said, the meaning which the noble Lord gave to Mr. *Fox*. the provisional articles, was a compleat proof that the ingenious scheme of the Earl of Shelburne had had its effect, and that every man explained it to his own liking.

Mr. *Hopkins* spoke of the services of the campaign in terms Mr. *Hopkins*. of great eulogium, and also of the exertions which had been made to the increase of the navy since the present Administration was formed. He did this in answer to some passages of the speech of the noble Lord in the blue ribband.

Mr. *Smith* said, he found himself greatly diffculted in his Mr. *Smith*. present situation ; he heard varieties of opinions with respect to the provisional agreement, not only from the members of the cabinet in this House, and the members in the other ; but there was also a difference between what was said by one, and what was said by the other even here. He reprobated the Secretary of State's letter, because by stating the chances, it set the stockjobbers to work.

Mr. *Huffiy* said, that the letter of Mr. Secretary Towns- Mr. *Huffey* hend, which had been much talked of in debate, had, in his opinion, and according to his intelligence, done great service. It had warned the real stock-holder against the manœuvres of artful men, and had particularly prevented foreigners from making the benefit which they usually did of their early information.

The *Commander in Chief* defended those who sat on the same bench with him, and rejoiced that men of all descrip- Gen. Con- way. tions, and men of the first abilities, had united, and on this occasion were unanimous in the support of government.

Sir *William Dolben* contended, that his Majesty's Ministers Sir *William Dolben*. were not intitled, by the statute of last session, to recognize the independence of America, and he should think them highly culpable if they had done so without coming to Parliament for their concurrence. With regard to the letter written to the Lord Mayor, Sir William said, he gave the Secretary of State full credit for having written that letter, with the best intentions, but he was persuaded, it had been unfortunate in its effect. That letter, he in his conscience believed, was the unforeseen rub that had protracted the conclusion of the treaty for peace. The moment that letter appeared in public, France drew back ; our countrymen were at the mercy of the French Ministers in respect to the stocks ; they had it in their power to raise them or fall them as they pleased, by either appearing more or less ready to ratify the treaty, and by giving their dependents the necessary notice.

Sir Charles
Turner.

Sir *Charles Turner* said, he professed before God he found himself in greater difficulties than he ever was before ; he loved the Ministers, such of them he meant as sat in that House, but he knew not what they meant ; their language was perfectly unintelligible to him ; it was High Dutch, or any thing ; it was as unintelligible to him, as it would be to the Court of Turin where he was educated ; it was to be explained every way and no way. He was in hopes that some odd fellow like himself would have objected to granting the supplies, until he should hear that the American war was for ever abolished. No such man having been found, he declared that he would give his negative to all supply until that should be the case ; he would fight against America as the ally of France, but not against herself for dependence.

The motion was then put and agreed to, with the negative of Sir Charles.

Mr. Brett.

Mr. *Brett* then moved for the sum of four pounds per month per man, for the maintenance of the above force ; which was granted.

December 12.

The Lord
Mayor of
London.

The *Lord Mayor of London* moved the House, that they should, on Monday next, go into a Committee of the whole House, to consider of the repeal of the Act passed in the twenty-first year of his present Majesty, relative to the importation of grain. The necessity of the House coming immediately to the consideration of this subject, was evident. The poor of London were in the utmost necessity, and this act both had, and was likely in future to stand in the way of all supply.

A conversation and debate of short duration took place on this motion ; and Mr. *Sibthorp* moved, as an amendment, that it should be put off till the 27th of January. Mr. *Hussey*, Sir *Joseph Mawbey*, Mr. *Strutt*, Mr. *Byng*, and Sir *Edward Astley*, shortly urged the necessity and expediency of going into the immediate consideration of the subject.

The amendment was over ruled, and the original motion agreed to.

Mr. Orde.

Mr. *Orde* brought up the Report from the Committee of Supply, containing the vote of 110,000 men for the naval service of the current year, including marines ; and of the sum of 4l. per month per man, amounting in the whole to the sum of 5,720,000l. for the maintenance of the same.

Sir

Sir *Edward Ashley*, in this stage of the business, took occasion to say, that the practice of pressing, so infamous and unconstitutional, ought no longer to be persevered in. It was a fact, he said, that every man got by this means cost no less than 30*l.* and at the same time, as he heard, a number of the best seamen in the service were employed in the impress service. It was particularly unfortunate that, in his Majesty's service, no part of the wages of the seamen was paid, in their absence, to their wives and families.

Sir Edward
Ashley.

Mr. *Brett* said, that Government would be happy to soften the calamities of war as far as possible. The honourable Baronet was mistaken in some points. By Mr. Grenville's act a part of the absent seaman's wages was paid to his wife; and as to a number of able seamen being employed in the impress service, he could assure the House, that an Admiral had inspected all the impress companies in the kingdom, and the report rather was, that they were men fit for no service.

Mr. Brett.

Mr. *Martyn* rose just to declare, that this service altogether was a most infamous violation of the public liberty, not warranted either by constitution or policy.

Mr. Martyn

Mr. *Hussey* said, that seeing the Chancellor of the Exchequer in his place, he wished to take notice of a circumstance in the King's speech, which insinuated that we should have future loans. He was sorry to see this mentioned in the speech, and the House pledged in their answer to the same thing, as it was not surely a politic nor a wise measure. He had maintained, that it was an opinion advanced by many good officers that landsmen might be employed on board our ships with great advantage. He still urged this doctrine, and did it, he said, on the confirmation of a great naval authority, whom he was ready to name, if desired. It was the opinion of that distinguished officer, that by the seamen which we had now on board, with a proper addition of landmen, trained as they very soon might be, it would be in our power to man just half as many more ships as were now in commission; nay, to man double the number.

Mr. Hussey.

Mr. Chancellor *Pitt* said, that they would be happy to have the honourable gentleman's advice and assistance in all matters of finance. In respect to future loans, if the war was to continue, we might naturally look for them; and for the present year at least, whether we had war or peace, such was the state of the unfunded debt, that we must look for a loan, or for something nearly resembling one. But it was the clear opinion of his Majesty's Ministers, that the placing our funds

Mr. Chan-
cellor Pitt.

into some regular course of payment, was a most salutary and essential measure to our salvation.

The report was then read and agreed to.

General
Conway.

The Commander in Chief (General *Conway*) then rose, and said, that he never got up in that House, upon any occasion, with so little difficulty, and so much pleasure, as he did on that day. The gallant General, who was the subject of all men's praise and reverence, the intrepid, and persevering General Elliott had deserved every thing that a grateful and an admiring nation could bestow. His bravery, his enterprize, his prudence, his skill, his constancy, his humanity, his zeal, and his unremitting attention to every part of his important and laborious duty, through so long and so close an investment, demanded fame more lofty, and praise more lasting than his weak words could possibly confer. After stating that it was the intention of his Majesty to bestow on him a signal mark of his favour, he said that the thanks of this House were still wanting, as of all other rewards, the thanks of his grateful country was the reward the dearest and brightest in a soldier's eyes, and that to which, above all other things, he would honourably aspire. He would not enter into the detail of the transactions of the garrison through the whole of the long and arduous siege; every circumstance of which was an article of praise to the brave man of whom they were speaking. He would therefore move, "That the thanks of this House be given to General Elliott, for the important service he has done to this country by his brave and gallant defence of Gibraltar."

The motion was seconded by Mr. Secretary Townshend.

Lord Mul-
grave.

Lord *Mulgrave* said, there was only one thing in which he differed on that day with the right honourable Commander in Chief—that he never in his life rose under so much embarrassment and difficulty. The House would indulge him in giving way to his feelings on the occasion. He had been twice a spectator of the wonders of General Elliott's character, and it required that men should see them thoroughly, to understand their importance. The enterprize which the General had displayed in his fall some time ago, could only be equalled by the ardour of the troops that followed him; who knew, that in following General Elliott, they were going to reap unparalleled honour. The skill and address which he shewed in repelling and overthrowing the last great and uncommon attack of the enemy, could only be surpassed by that more than human humanity, (if he might be allowed the expression)

pression) that more than human magnanimity and compassion which he had shewn in snatching expiring enemies from the combined horrors of sea and fire: In such a moment of unprecedented triumph, it was only a man with the gentleness of spirit, the softness of nature, and the moderation of mind, which characterized General Elliott, that could act with the coolness and consideration which he discovered in that awful scene. And yet though his conduct, on these great occasions of his duty, had shewn him to be all that we have ever been taught to expect in a soldier, even this, in his opinion, was the smallest merit of General Elliott. The merit of bravery and humanity were not peculiar, though they were brilliant virtues. There were many men who, when they came to so trying a situation, would, with minds aspiring after honour, shew powers of mind equally active, and feelings as humane, but where was the man who for three years together was equally and consistently great? For General Elliott alone it was reserved to be as great in all the actions of each day, as in the memorable crisis of his fate: to be as valuable in bending his mind to the less brilliant, but as necessary considerations of the comfort, the discipline, the vigilance, the love of his garrison, was reserved to illustrate the features of this great man, which made him, in his opinion, the most finished military character that any age or country had produced. Men were apt, he said, to speak too sparingly of the living, and too loftily of the dead. Let it not be attributed to him that he reversed this practice, for from his soul he did not know a character, living or dead, which in all military points could equal that of General Elliott. Gentlemen talked in raptures of the strength of Gibraltar, and were fond of calling it by nature impregnable. Its strength was undoubtedly great, but it was General Elliott who had made it impregnable.

Mr. Rolle said he was happy to see this matter of public gratitude taken into the hands of Government. He had determined to do it, if they had not; and he hoped it was also their intention to vote the thanks of the House to Sir Roger Curtis. Mr. Rolle

Sir Joseph Mawbey said, that General Boyd, the second in command at Gibraltar, had not been mentioned. He was a most deserving officer, and surely on the present occasion ought not to be forgotten. Sir Joseph Mawbey.

The Commander in Chief said he held some other motions in his hand when this was discussed.

Sir George
Howard.

Sir *George Howard* declared, that he could not sufficiently express his admiration of the character of General Eliott. — It had been very happily in the hands of a noble Lord, who had spoken what he felt; and he now rose to observe, that in giving him the thanks of this House, they could not be too explicit in stating the importance of the service on which the General had been employed. The motion was not sufficiently expressive on this point, and he therefore wished to add the following words as an illustration of the sense and feelings of the House on this great occasion. He therefore moved, that after the word "Gibraltar," there should be inserted the words, "the most valuable and important fortress of all the foreign territories belonging to Great Britain."

Lord Field-
ing.

Lord *Fielding* seconded the amendment, expressing in a few words his admiration of the gallant General, and declaring that he concurred with the honourable Baronet in thinking the words which he had proposed necessary to fix the value of the service for which he was to be thanked.

Mr. George
Onslow.

Mr. *George Onslow* declared, that he thought of General Eliott and his services with rapture; but he could not subscribe to the words now proposed to be added to the motion; for he always had been of opinion, and was now of opinion, that Gibraltar hung like a dead weight round the neck of Britain. It was of no use to us. Other nations that had no Gibraltar had more trade in the Mediterranean and Levant than we had, the Danes, the Swedes, and the Dutch; and it was a vulgar error that Gibraltar was so wonderfully important. He knew it: he was there seven years. He was a soldier, and a bit of a seaman. Its bay was not fit to be called so. He had seen eleven ships ashore in it at a time; and, in short, it ought not to be ranked by us in so consequential a light.

Earl Nugent

Earl *Nugent* said, he would not enter into any discussion of the question concerning the importance of Gibraltar; but he was sorry that the honourable Baronet had made the amendment, as it might disturb the unanimity with which they would be all happy to pass the vote of thanks to the brave General. It would include a political question, and give rise to discussions which he must lament on such an occasion.

Sir George
Howard.

Sir *George Howard* said, that nothing was further from his heart than to introduce words which should give rise to a political question; and if his amendment should disturb the unanimity of the House, he would be happy to withdraw it;

for

for he meant only to shew the importance of the gallant General's service.

Mr. Fox rejoiced that the amendment had been proposed, but it would give him very great concern, if it should be withdrawn. Reports had gone abroad, that Gibraltar was to be given up; he did not credit them himself: for he was convinced that there was not, in Administration, a single man who dared to give it up: this amendment, if carried, would convince the public at large, that the reports were groundless: but it would have still a greater effect; it would convince Spain that this nation was not in a temper to suffer the cession of so important a fortress; or that if they could bring themselves to think of an exchange, it would tell Spain that the price of it must be immense, because its value was immense: in either case, the amendment would be of the greatest advantage to this country, and even in case of any negotiation for its cession, the resolution proposed would serve them highly, instead of injuring them. At all events, he was happy that the amendment had been made, because Ministers would learn what a value the nation had set upon a fortress, which had baffled the attacks of a great army, and an immense fleet. Mr. Onslow had said, it was not important to us, and that the Danes, the Swedes, and the Dutch had more trade in the Mediterranean and Levant than ourselves, without a Gibraltar. Would Mr. Onslow say, that these nations could trade into the Mediterranean without Gibraltar, if they were at war with France and Spain? He should be sorry, indeed, if the amendment should be the cause that a single negative should be given to the motion for thanks to General Eliott, of whom no man was a greater admirer than himself; but if the amendment should be rejected, still the original motion for thanks, he was sure, would pass unanimously: it rested with the honourable General who had moved it, whether he would withdraw it or not; but it rested also with the House, after it had been made and seconded, whether they would consent to its being withdrawn.

Governor *Johnstone* never wished to clog a question with extraneous matter, or to carry by a side-wind, what ought to be the subject of a direct and separate question. It had been said that thanks were to be given to other officers of the garrison; he was sorry for it; the honour ought not to be frittered away; it should belong to the Commander in Chief; it was his due; he wished to make the thanks the more honourable, from being given sparingly and seldom.

Mr.

Mr. Secretary Townshend.

Mr. Secretary *Townshend*, rose to give the House information. General Elliott had written home warmly in favour of Lieutenant Governor Boyd's conduct; but by an accidental blunder, that passage of the letter had not appeared in the Gazette. He had written, however, to General Boyd to set the matter to rights, and to inform him what the Governor had said of him. After this Mr. Townshend went into an argument upon the amendment, which he said did tend to embarrass Ministers, and ought to be withdrawn.

Mr. Byng.

Mr. *Byng* reprehended Ministers severely for their negligence in omitting to publish General Elliott's commendations of Lieutenant-Governor Boyd.

Lord Mulgrave.

Lord *Mulgrave* was against the amendment: to the King's prerogative, as it was now settled by the constitution, he was a firm friend; the fabric of this constitution was the subject of his veneration.

The Earl of Surrey.

The Earl of *Surrey* would be sorry that England should part with so valuable a possession as Gibraltar; but at the same time, he would not have it thought that he would wish to concur in any measure calculated to take ministers by surprise.

Lord Mahon.

Lord *Mahon* said, that it was not candid to attempt to take Ministers by surprise, or to bring on a consideration of so much moment, without a previous notice.

Lord Geo. Cavendish.

Lord *George Cavendish* thought this idea of previous notice entirely unparliamentary; he was an old member, and never had heard the idea started till of late years; and it was mostly urged by young members; but Ministers held up this shield, whenever an attempt was made to touch upon a delicate spot; but it would not hinder the attack; for he always found that men had a propensity to poke in a delicate or tender spot.

Lord Fielding.

Lord *Fielding* insisted that nothing in the amendment: stated that Gibraltar was invaluable; it declared, simply, that it was the most valuable and important fortress of our foreign possessions.

Mr. Pitt.

Mr. *Chancellor Pitt* said, that this was a mode similar to that ascribed to a noble Lord in administration, of creating unanimity, by raising a diversity of opinion. He wished, for his own part, to take his share of responsibility as a Minister; but he would not be responsible unless he understood upon what grounds he was to act, and what was to be the rule of his conduct. If the House would directly move that Gibraltar should in no possible case be given up, let them say so plainly, and he would act accordingly. With respect

respect to the insertion, as a matter of honour to General Elliott, it was surely unnecessary for the gallantry of General Elliott's conduct would have entitled him to equal praise if the object had been less important.

Mr. *Burke* strongly supported the amendment; he said Mr. Burke. it would give the Ministers a handle for obstinately resisting all demands for a cession of Gibraltar. It had been often said of English negociators, that they had, in all negociations, the advantage of impotence; that is, the advantage of not having it in their power of complying with the demands of an unreasonable enemy.

The amendment he thought highly necessary to the honour of General Elliott; for though other officers might have behaved gallantly, and nobly in other quarters, yet he derived additional lustre from the great theatre on which his abilities had been displayed. Polybius had observed, that it was absurd to compare Timoleon to Alexander.

Sir *Adam Ferguson* was against the amendment; he Sir Adam Ferguson. agreed entirely with Governor Johnstone, in opinion, that the words of the motion could not have been too simple; he was always much better pleased with the simple epitaph made by Simonides, for the gallant Spartans, who had fallen at Thermopylæ, than with the most pompous and labored panegyric of the dead. All that Simonides said of these gallant heroes, was; "Go, stranger, and tell the Lacædæmonians, that we fell here in defence of our country."

Sir *Charles Turner* was also against the motion, because he Sir Charles Turner. was not yet ripe to say, that Gibraltar was the most valuable fortress we had; it would require time to deliberate, before a man could bring himself to declare which was the most valuable of our foreign fortresses.

Lord *John Cavendish* said he would not have cared if the amendment had never been proposed; but, having been proposed; it might be productive of the most fatal consequences, if it should go over to Spain that the House of Commons had not dared to pronounce Gibraltar a valuable fortress. Lord John Cavendish.

General *Conway* asked if gentlemen were yet ripe to pronounce Gibraltar the most valuable of our fortresses? would they say, for instance, that it was more valuable than Madras, the loss of which might be productive of the loss of all our possessions in India? General Conway.

Mr. Demp-
ster.

Mr. *Dempster*, in order to obviate this objection, moved an amendment to the amendment, which was, that before the words, "the most valuable and important," should be inserted the words — "one of;" —

The Lord
Advocate.

The *Lord Advocate* of Scotland called this a new edition of the debate, and opposed the new amendment, supporting the original motion as the only one that ought to pass, pending the negotiation for peace.

Mr. *Wilberforce* said, the gentleman on the other side the House dealt unfairly by Ministers; let them judge them by their actions. They had spent the summer in forwarding peace, and yet the gentlemen now addressed their arguments rather to their words, than their actions. Mr. *Wilberforce* supported Mr. Pitt very strenuously, and ended his speech with declaring, that his honourable friend possessed hereditary ability and hereditary honour.

At length Sir George Howard again desired to withdraw his amendment, and Lord Fielding consented; but just as the Speaker was about to put the question,

Mr. D. P.
Coke.

Mr. *D. P. Coke* rose, and declared, he would not consent, as he should not, perhaps, have another opportunity of declaring his resolution never to agree to cede Gibraltar; sooner than do which, he said, he would cut off his right hand.

General
Conway.

General *Conway* told Mr. Coke he would undoubtedly have many opportunities of declaring that opinion by a vote, but advised him, as the more manly way, to take an opportunity of moving a direct question upon the subject.

Mr. Coke.

Mr. *Coke* said, the ill-success of his motion, for the abolition of an unjustifiable pension last session, had determined him not to attempt another motion. As, however, he had learnt that he should have sufficient opportunity hereafter to declare his detestation of the cession of Gibraltar, he had no objection to the amendment's being withdrawn.

The amendment was withdrawn accordingly, and General *Conway*'s original motion carried *nemine contradicente*.

General
Conway.

General *Conway* then rose, and said, he begged leave farther to trouble the House with a few words, in order to open to them another motion, which he meant to offer, and to which, as he humbly hoped there would be no objection, so he did not imagine it could occasion any debate. The motion to which he alluded, was a motion of thanks to Lord Viscount Howe, for his having so gallantly relieved

relieved the garrison of Gibraltar. An honourable gentleman had declared in that House on a former day, that there had been some mistake made respecting a signal, but that honourable gentleman declared at the same time, that he did not impute that mistake to the noble Lord who commanded the fleet, and that he was far from saying, that he was far from saying, that the noble Lord was himself to blame, only that there was cause for blame somewhere. He trusted, therefore, that the harmony of that day's proceeding would meet with no interruption, and that the motion he was then going to make, would pass without a negative. He then moved,

That the thanks of this House be given to the right honourable Lord Viscount Howe, for the important service he has done to this country by the late relief of the fortress of Gibraltar, and by his gallant and able manœuvres of the fleet under his command against a superior fleet of the enemy.

Sir Charles Turner, after some interruption by the clamour for the question, called upon gentlemen, if they had any thing to say against the conduct of the noble Admiral to stand up now and pronounce their opinions. Sir Charles Turner.

The question was put, and carried with the single negative of Governor Johnstone.

General Conway then rose again, and said to complete the business, the House ought, in his mind, to vote their thanks to the other distinguished officers concerned in this service. The General then shortly stated the merits of the several officers included in his motion, and moved : General Conway.

That the thanks of this House be given to Lieutenant General Boyd, Major General La Motte, Major General Green Chief Engineer, to Sir Roger Curtis, and to the officers, soldiers, and sailors, lately employed in the defence of Gibraltar.

General Ross paid high compliments to General Elliott, and the other officers and soldiers of the garrison, excepting General Boyd, of whom he spoke in terms very severe. Gen. Ross.

The Earl of Surrey called him to order, as the General was not present to defend himself. The Earl of Surrey.

General Ross declared, that what he had said proceeded not from personal pique, revenge, or malice; but he persisted in what he said, and he would take the sense of the Gen. Ross.

House against the vote of thanks to General Boyd, even if he should stand single.

Mr. Burke. Mr. *Burke*, General Conway, Governor Johnstone, Mr. Rolle, Mr. Secretary Townshend, Mr. Chancellor Pitt, and other Members strongly defended General Boyd; and Mr. Secretary Townshend in particular reported to the House, the very honourable testimony which General Eliott paid to his merit, although it was known that there was a coldness between them.

Gen. Ross. General *Ross*, persisted, and moved as an amendment, that the name of General Boyd be left out of the motion.

This not being seconded, General *Ross* left the House, and the original motion passed unanimously.

December 13.

The House, on the motion of the Chancellor of the Exchequer, went into a committee of ways and means; and Mr. Ord having taken the chair, Mr. Chancellor of the Exchequer moved, that towards raising the supply granted to his Majesty, four shillings in the pound and no more be imposed as a land tax.

This motion having been read, Sir Joseph Mawbey rose, and was entering into an ample discussion of the state of the nation, finances, and negotiation for peace, adverting occasionally to what had been said in the House on these subjects in former debates. Upon this he was called to order by Mr. Coke, (of Norfolk) who said he was ashamed to see how debates were carried on in that House, and how fond some gentlemen were of them; he was afraid, that, in the end, the strangers in the gallery would have a contempt for their proceedings, and that the public at large would lose all veneration for the House.

The question was then put, and carried without opposition; as was also another motion, made by the Chancellor of the Exchequer, for imposing the ordinary duty on malt,

December 14.

Mr. Speaker acquainted the House, that he had received, from Sir Roger Curtis, the following letter, in return to the thanks of this House, signified to him by Mr. Speaker, in obedience to their commands of Thursday last:

“ Sir,

December 14th, 1782.

“ I have this morning been favoured with your letter of the 12th instant, accompanying a resolution of the House

of Commons, passed the same day, whereby their thanks were given to certain officers (amongst whom I have the honour to be named), and to the other officers, the soldiers, and sailors, lately employed in the defence of Gibraltar.

“ I am not capable, Sir, to express how very sensibly I am affected by the high honour that has been thus conferred on me. I hope, therefore, the House will believe I feel as much as any man can, how honourable it is to obtain the approbation of the House of Commons. The officers and men who served in my department at Gibraltar will, I am sure, join with me in these sentiments, as they did most heartily in their best endeavours towards the defence of that fortress.

“ I have the honour to be, &c.

“ ROGER CURTIS.”

The Right Honourable
the Speaker, &c. &c. &c.

December 16.

On the bill for allowing the sale of prize ships, Mr. Hufley moved an alteration, which on the representation of Mr. Brett he withdrew.

The *Lord Advocate of Scotland* stated to the House the progress, which had been made in the India business, and the stage in which it now stood. The bill against Sir Thomas Rumbold, and Peter Perring, Esq. by means of an act of Parliament, was continued in force; and with respect to the resolutions made on the Bengal judicature, they stood in a very singular situation. Ld. Advocate of Scotland.

The House of Commons had resolved that the Governor General of Bengal ought to be recalled; the Directors of the India Company, conformably to the resolution of the House, had resolved to recall him; but a Court of Proprietors, called some short time afterwards, had thought proper to rescind, or at least to suspend the resolution of the Court of Directors; and thus a person, who, in the judgment of the House of Commons, and of the Court of Directors, ought to have been recalled to Great Britain, was pronounced by a Court of Proprietors, a fit person to remain at the head of affairs in India: here was a clashing of opinions, of the utmost consequence to the public in general; and such as it would well become the wisdom and prudence of Parliament to take into their most serious consideration. The correspondence that

that passed between the Secretary of State, and the Directors of the Company, was already before the House; he wished that a proceeding should be had upon the subject; but he was desirous that the House should have the most ample information, before they should be called upon to give any decision on the business, and therefore would move, that the Directors of the East India Company do lay before this House, copies of all proceedings that have been had by the said Directors, or by any Court of Proprietors of the said Company, relating to the recall of Warren Hastings, Esquire, Governor General of Bengal.

Mr. Secretary Townshend seconded the motion.

Governor
Johnstone.

Governor *Johnstone* very warmly defended the conduct of the Court of Proprietors, and said, that there was nothing illegal in their resisting a resolution of that House, for a resolution of that House was not law.

Mr. T. Pitt agreed to this proposition.

Mr. Burke.

Mr. *Burke* pointed out, with great energy, the consequences to be apprehended from the Court of Proprietors defending a man, whom that House had considered as unfit for his high trust.

Gov. John-
stone.

Governor *Johnstone* blamed Government for having interfered in the business, by writing a letter to the Court, praying them to suspend their measure.

Mr. Secretary Townshend, General Smith, Mr. Fox, the Lord Advocate and others, defended government against the charge, and after some farther conversation, it was declared that the matter would be thoroughly enquired into after the recess.

Mr. Fox.

Mr. *Fox* said, he wished to make a motion on Wednesday, for the production of the provisional articles, but he would not do it, if any of his Majesty's Ministers would say there was danger in their exhibition.

The House went into a Committee, to consider of the importation of corn; when on the motion of the Lord Mayor, Mr. Newnham, it was resolved: "That wheat, wheat flour, rye, rye flour, barley, and all sorts of corn, grain, and meal, be permitted to be imported on the low duties, for a time to be limited." Various suggestions were made for the relief of the people in the present scarcity and high price of provisions; the Lord Advocate, Sir Herbert Mackworth, Mr. Sibthorpe, Sir Edward Astley, Mr. Rosewarne, Sir John Wrottesly, Mr. Dempster, and Mr. Whitbread spoke on the occasion.

December 17.

Lord *Mulgrave* rose to move for the thanks of the House to Sir Edward Hughes ; in doing this, he said, it would not be necessary to go into the particulars of the two actions, which had been at once so brilliant to our flag, and so advantageous to the country. He would content himself, therefore, with reading two passages from the letters of the Council of Bengal and Council of Madras, which in a very particular manner pointed out the advantages of our success. Having done this, he said, that he wished just to state his opinion in a few words on the conduct of the House with respect to their thanks. He thought that their thanks should only be given on great and signal occasions, and that they should be given to the auspices only ; for it should be remembered, that the Commander in Chief stood as the representative of the force ; and it ought to be the business of that House to inspire the idea, that fleets and armies should always consider the fame of their Commander as their own fame ; and that whatever approbation they should receive for their gallantry and services, should come through him. In wording his motion, therefore, the House would see he had used the words “ for services performed by the squadron.” This contained an approbation of the fleet in general. At the same time he begged leave to say, that no man deserved more truly the thanks of his country than Commodore King, for the distinguished share he had had in these engagements. As he had thrown out his opinion, he would not himself move for thanks to that gallant officer ; but, if any such motion was made, it should have his warm support. The noble Lord concluded with moving,

Lord *Mulgrave*.

That the thanks of this House be given to Vice Admiral Sir Edward Hughes, Knight of the most Honourable Order of the Bath, for the important services performed by the squadron under his command in the East Indies, on the 17th of February, and the 12th of April, 1782.

The Marquis of Graham seconded the motion, and it was highly commended by Governor Johnstone, Mr. Wrexall, and General Smith.

It was agreed to, *nemine contradicente*.

Lord *Newhaven* moved, that the thanks of this House be given to Commodore Richard King, the captains, officers, and seamen, for the important services performed by the squadron

Lord *Newhaven*.

dron under the command of Vice Admiral Sir Edward Hughes, in the East Indies, on the 17th of February, and the 12th of April, 1782.

It passed *nem. con.*

Mr. Pennington.

Mr. *Pennington* then moved, that the thanks of this House be given to Sir Eyre Coote, Knight of the most Honourable Order of the Bath, for the great perseverance he has shewn, and the indefatigable pains he has taken, to surmount the difficulties in which the affairs of the Carnatic were involved, and for the gallant and spirited exertions he has made since he placed himself at the head of the army in that quarter of India.

Mr. Secretary Townshend, Governor Johnstone, General Conway and others very much approved of what Lord Mulgrave had thrown out, and it was the general sense of the House that in future their thanks should be given only to the Commander in Chief.

December 18.

The House went into a Committee on the Corn Bill, and filled up the blank of the time allowed for the importation to the 25th of August for England, and to the 25th of September for Scotland.

In a Committee of Supply, Sir George Yonge, as Secretary at War, moved, that a sum, not exceeding 623021l. 13s. 6½d. be granted to his Majesty, upon account, towards defraying the extraordinary expences of his Majesty's land forces and other services incurred, since the 31st of January, 1782, and not provided for by Parliament.

The resolution passed without debate.

After some conversation on the case of Sir Thomas Ruinbold, the attention of the House was called to the motion intimated by Mr. Fox.

Mr. Fox.

Mr. *Fox* said, that no two things upon earth could be more opposite to each other, or differ more, than the explanation given to the same treaty by his Majesty's ministers in one place; and a Minister of his Majesty in another; for while the former had fairly and roundly declared the treaty with America to be final, conclusive, and irrevocable; the latter as roundly asserted the very contrary. He adverted particularly to what the Earl of Shelburne had said on the sacredness of secrecy in this case. With what little deference did that noble person treat his colleagues! They had fairly answered

answered all these questions ; and if to answer them fairly was to betray his Majesty's secrets, and to violate the Privy Counsellor's oath, the noble Lord must of course look upon his colleagues as perjured men, and betrayers of their trust ? It was a most convenient thing indeed for a man to have a conscience, behind which he could shelter himself from whatever he did not like to face : the noble Lord could not have acted more wisely than when he had recourse to his oath ; and a confessor could not have given a better advice : one might have imagined indeed that the noble Lord had drawn up a case of conscience, and submitted it to a casuist ; there was an affectation indeed in Ministers, notwithstanding the diversity of opinion that visibly prevailed among them, to have it thought that they were all perfectly unanimous ; but how stood that unanimity ? They might indeed have all concurred in making a particular treaty ; but did they all agree in the interpretation of it ? Not at all : the noble Lord who was supposed to have the greatest influence in his Majesty's councils suffered his colleagues to explain as they understood ; but he thought it proper to assume to himself the same liberty ; as he understood it differently, so he explained it differently : all reasoning men must allow, that unanimity in agreeing to a treaty was of little consequence, when compared to unanimity on the interpretation of it : the words of the treaty were of themselves of little consequence ; that which was truly consequential, was the interpretation or construction put upon those words by those who were to execute the treaty, and act upon them : a man might differ in opinion from another, and yet might sacrifice his opinion for the sake of unanimity, when there was a question of adopting some particular measure ; but when a measure was adopted, to differ about the meaning of that measure, this was the division, this was the difference that he thought of the most dangerous nature to the public. To exemplify this, in a case in which he was concerned ; he stated the Earl of Shelburne's letter to Sir Guy Carleton, in which the independence of America was declared to be a measure, to which his Majesty's Commissioners were instructed to subscribe unconditionally ;—from that moment he rejoiced beyond expression, and would have been happy, if he had been at liberty to shew this letter to those who used frequently to intimate their suspicions to him, that the noble Lord would never consent to recognize the independence of America ; how could he, if he had been at liberty, have silenced their complaints, and dispelled

all their doubts?—But what must have been his surprise, if after so full and ample a declaration made by the noble Lord in his letter, he should afterwards find him endeavouring to explain it away? What confidence could the other powers of Europe place in the Ministers of this country, when they found that how unanimous soever they might be in agreeing to a measure, they never could be brought to hold the same opinion when the purport of that measure was to be explained? What must Europe think of us, if after he had informed all the foreign courts, that we were about to recognize unconditionally the independence of America, they should find that his colleague in office, who had concurred in the measure, explained it in the most different manner? In Mr. Secretary Hamilton's letter, the Lord Mayor of Dublin, and through him the people of Ireland, were informed that the independence of America was finally recognized by England, in a treaty which was to take effect between the two powers, whenever we should make peace with France. Could any terms be more strong? The independence being finally recognised, it was with propriety that the Lord Lieutenant, speaking of England and America, should call them these two powers; but how must his Excellency feel, how must the people of Ireland feel, when they hear, in contradiction to his Excellency's letter, that the first Minister of this country has declared, that the independence is not finally recognised; for that as the treaty in which it is recognised is revocable, the independence is only conditional, and of course not finally recognised? To come to a full eclaireissement on this subject, it was his wish to see the treaty itself; and as the House would barely desire to have the treaty, the noble Lord need not be alarmed for his conscience; he might produce the articles, and keep his meaning to himself; the House of Commons would put a construction upon them themselves, which could not in future be explained away by any Minister. If there were any part of the treaty which Ministers would undertake to say, could not, in their opinion, be disclosed without danger in the present state of the negotiation,—he would not press the motion he intended to make: there always was a willingness or bias in the House to support Government, and he would call this bias laudable; and shew he felt it in himself, by withdrawing his motion, if ministers would assure him that there were parts of the treaty that were not yet ripe for disclosure: he had heard it reported, that there were in the treaty with America, secret articles
unknown

unknown to France, and known only to England and America; he did not desire to see these articles; nay, to be candid, he would not even desire that Ministers should say there were any such: In a word, all he wished to learn was, whether there was really a subsisting treaty with America, which should survive the present negotiations with France, though they should not end in a peace? This being a reasonable curiosity, he expected support in his motion, though he courted none: he did not know whether he might expect the support of the noble Lord in the blue ribbon, who, in a strange mode of reasoning, brought himself to vote with Ministers, because they did not agree with one another. If his motion should be adopted, the House would then be able to judge for themselves, whether the independence was, as he hoped it was, unconditional and irrevocable.—He then moved, “That an humble address be presented to his Majesty, that he will be graciously pleased to order that there be laid before this House, copies of such parts of the Provisional Treaty with America, as relate to the recognition of the independence of that country.”

Lord *John Cavendish* seconded the motion, but without making any speech. Lord John Cavendish.

Mr. *T. Pitt* rose to move the order of the day. He neither meant to deny the different opinions of Ministers, or to say that such difference was of no consequence; that he agreed in many of the arguments of the honourable gentleman which went to the propriety of producing the paper in proper time; but that he had not heard one argument to shew the utility of producing it now, before peace or war was decided: that if we should have peace, the having seen the paper would answer none of his purposes, since America was satisfied with it, and we need not certainly be more American than the Americans themselves. If the peace were rejected, it would then be time enough to examine the treaty, and put what sense we pleased upon it; that the interfering in the exercise of the executive power, whilst treaties were depending, was of all others a right the House should be the most cautious of exerting; that we knew already all that imported us to know in the present moment; that independency was given as the price of peace, and as such accepted by America; that so far there was no difference of opinion; that the union he required in his Majesty's councils was an union in the same object, and that he was happy to find, that after all the jealousies of the summer, even after the pledges of the resolutions of the House,

House, and Sir G. Carleton's letter to persuade us still that there was no sincerity of an intention to procure peace by the sacrifice of American independence, the notification of a treaty actually signed had now put that sincerity out of doubt; that he knew little of the oath of a Privy Counsellor, which he had never taken; but that if the loose conversations upon these topics were not a breach of oath from Ministers, it was at least a very great breach of discretion; and that he had endeavoured to catch the eye of the Speaker thus early, merely that he might exhort or abjure the Ministers not to repeat that indiscretion, by suffering one word more of explanation upon those subjects to pass their lips, which could produce nothing but misconstruction and perverse misrepresentations, pernicious at home, but much more so in the courts of foreign nations. That when the work was compleated, they could not then refuse the papers that might be demanded, and to stand out in their justification. That he felt a bias at this time, an honest bias towards Government, and was sure some of those on the opposite side of the House, whose purity and integrity he well knew, must have been actuated by motives they felt powerfully to get the better of the regret and pain they must have felt in making a schism in that union, upon which the nation had founded all their hopes of prosperity, at so important and critical a conjuncture to their country.

Lord Ma-
honn.

Lord *Mahon* rose to second Mr. Pitt's motion: He said he had listened with astonishment to the honourable Member who had made the motion for papers; for he had heard him misquote and mistake what had fallen from a noble Lord in another place; when that noble Lord took shelter behind his oath, the question put to him was not relative to the nature of the recognition of the independence, but to the contents of the treaty. Mr. Fox had moved for that part only of the treaty which might fix an odium upon Ministers for surrendering the dominion of this country over America without any condition; because whatever stipulations there might be in the treaty in favour of England, they could not be produced, under the terms of his motion.

Lord Mait-
land.

Lord *Maitland* spoke in favour of Mr. Fox's motion: He stated the good effects that would follow the production of the papers moved for; the true meaning of the Provisional Treaty would be ascertained; and Parliament having once agreed to put a construction upon it, from which Ministers could never recede, the Ministers of foreign powers might then

then treat with us with a confidence which they do not at present repose in the persons who have the management of our affairs. A Secretary of State, in his eye, had said, that if any one thing had retarded the peace more than another, it was a report industriously propagated by some persons, of the duplicity of the noble Lord at the head of the Treasury; now the most effectual way to counteract that report, would be to produce the treaty; and shew to all the world, if the treaty could shew it, that the noble Lord was sincere and well-meaning.

Mr. Secretary *Townshend* just rose to deny that he had ever mentioned a report of the duplicity of the noble Lord; he had, indeed, mentioned a report which he had heard, that the noble Lord was not sincere, and that by such a report, the peace had, perhaps, been retarded. Mr. Secretary *Townshend*.

Lord *Maitland* still adhered to the expression "Duplicity," which, as far as his memory could inform him, the Right Honourable Member had used. Lord *Maitland*.

Earl *Nugent* spoke against the motion for producing the treaty; his Lordship stated, that for some years back, he had seen the necessity of recognizing the Independence of America; but those who were now so forward to move for, or at least recommend it, were formerly very backward on that head.—He opposed the motion, he said, because it was unprecedented to call for articles of a treaty, pending a negotiation. Earl *Nugent*.

Mr. *J. S. Cocks* said, that in such a moment as the present we should have confidence in Ministers, and not call upon them to report progress, since it might materially affect the negotiations about which they were employed. Mr. *J. S. Cocks*.

Lord *North* adverted with great humour to the advice which Mr. Pitt had given to his Majesty's Ministers, and said it was greatly to be lamented that his advice had come too late. To advise them to be silent, to be discreet, to be more guarded, and not to tell their secrets, was certainly good advice; and it was great pity that that advice should come after they had been guilty of all these things. The noble Lord indulged himself in a very free comment on the conduct of his Majesty's Ministers in that House, and the other. It was very true, as had been stated by Mr. Fox, that he was determined to vote to-night with Ministers, not because he agreed, but because he differed with them.—He differed with one part of them, and agreed with the other; he owned he should be better pleased to be able to agree with them collectively, than to

to agree with them partially ; but as he could not do this, he must take it as it really was, and give his consent to the motion which had been made for the order of the day, in the confidence that he should, at any rate, agree in this vote with the Ministers who sat on the Treasury Bench. His declaration, on a former day, that he disagreed with the explanation which had been given of the Provisional Articles, he still maintained. He did not think that that explanation was founded on the probable nature of the Treaty, and arguing, as he did, in the dark, he had examined the various and opposite explanations, and had adopted that which agreed in his mind the most with the official papers which were published on the point. The contradictions were, indeed, palpable, and shewed that there were differences, of a very essential nature, in the Cabinet, which certainly must have their effect on the Continent ; but, still, though he agreed perfectly with the right honourable gentleman who made the motion, in the statement which he had given of the different opinions expressed by the King's Ministers, yet he could not agree with him, that the present was the seasonable moment for the production of the Provisional Articles, or that his questions could be answered with perfect safety. The noble Lord entered minutely into the examination of the different passages in the King's Speech, in the letter of Mr. Secretary Townshend, and in the various explanations which had been made, drawing from all these his conclusion, that though there were evident and most palpable contradictions, still if the meaning could be at all drawn from the words, it was that the Provisional Articles were revocable, and by no means extended to the unconditional recognition of the Independence of America. In this discussion he was exceedingly facetious, and made many ludicrous and severe comments on the construction and conduct of the Ministry. He said, he would rather take the edition of this matter, as they had it from the Throne, on royal paper, than all the subsequent editions *cum notis variorum* which had been published since. By the very term Provisional, it was apparent that the Agreement was not absolute and irrevocable. It could not be imagined that even the present contradictory Cabinet could have given to a Treaty, the appellation of Provisional, if it depended on no condition, if it was connected with no other circumstance which served to make it uncertain. If it depended on no contingency whatever, it would resemble an oath, not that oath of which they had heard so much, the oath of a Privy Counsellor,

Counsellor, but a less serious oath, of which they must have all heard, and some of them might have taken, the oath at Highgate, by which a man swore, that he never would drink small beer when he could get strong, provided he did not like small beer best; nor kiss the maid when he might kiss the mistress, provided always that he did not chuse the maid in preference. If it was a provisional treaty, that resembled this provisional oath, which carried its own absolution with itself, then indeed it might be what some of his Majesty's Ministers stated it to be, a full and absolute recognition of American Independence; but if it was a provisional treaty, in the plain, unequivocal, and direct meaning and intent of the term provisional, then it was a Treaty, such as others of the King's Ministers had described it to be, conditional, revocable, still pending, and by no means giving full and absolute Independence to America. He said, that it was a maxim among casuists, that the opinion and assertion of one grave and well-informed Doctor, made a thing probable. Here then he had not only the opinion of one grave and well-informed Doctor, but of two; and therefore he was justified, even on that ground, of entertaining it as a probable fact, that this Treaty was not absolute and unconditional.

In more than one Constitutional Society, explanations had been given different from those of the Ministers in that House; and even in that night's debate, Gentlemen, who if not Ministers themselves, were nearly connected with them, and were at least within the wind of Ministry.—Persons who rose to give sober and serious advice to Ministers, had told the House that this Treaty was certainly to be considered as the price of peace. If then it was the price, and the price should be rejected, the Agreement must in its evident nature, be at an end. In short, he was still of the mind which he declared himself to be some time ago, that this Treaty was what it ought to be, in his opinion, and in that of a considerable part of that House, a Treaty conditional and revocable.

Having said this, he would give his reason for voting against its production. It must do harm by being laid on the table, and coming into discussion. It had been said, that the contradictory opinions of the King's Ministers might be reduced to a clear and precise doctrine of the treaty, by being submitted to the wisdom of that House. He did not think this. Surely the Cabinet was the place where fixed and unanimous opinions were to be expected. It was composed of eleven men of great genius, immense wisdom, long experience, and determined

terminated constancy, and a Cabinet who had as many commissioners engaged at Paris in this important work; and if all these men had not been able to fix a determinate and precise meaning to this treaty, which was declared to be adopted with their unanimous consent, could it be expected that an unanimous explanation should be given by that House? He had often heard that House called the Temple of Eloquence, the Temple of Debate, the Temple of Constitution, the Temple of Liberty, the Temple of Fame; but he had never heard it called the Temple of Concord. This then was not a good argument for the production of this Treaty, as it was not to be expected that they would be more unanimous in their opinion of it than the eleven men who were the fathers of it. It would be injurious, both if they liked it, and if they disliked it: If they disliked this Treaty, the consequences would be palpable; and if they declared their full approbation of it, he foresaw this consequence, that the Court of Versailles would immediately say to our Ministers, This thing which you have so long tendered to us as the price of Peace, which you have rated so high, which you have declared the British nation would be so averse to grant: this thing, the recognition of the Independence of America, goes down easily and glibly; the House of Commons like it; they think it no sacrifice, and therefore we insist upon better terms. This he considered as a very probable consequence of their approbation; and this would materially affect the negotiation now on foot. He did not believe that the agreement contained Articles unknown to the French; but such as perhaps might be affected by being exposed. He adverted to the argument of Lord Mahon, that it would be unfair to produce one part of the agreement, that is, the part which respected the recognition of the Independence of America, without also producing those concessions which America might perhaps have made in return to this country. He owned this to be a probable fact, and for this reason, that surely his Majesty's Ministers would not have delivered up the Independence of America, without a very considerable price. This he averred was the expectation of the people. He was averse to the proposed interference with Ministers in their negotiation for Peace. They were responsible for the terms they should make; and if the House interfered with them, they might plead that as an excuse for a bad peace.

Mr. T. Pitt. Mr. T. Pitt, in reply to Lord North, declared, that when he mentioned peace as the price of American independence,

it was because the independence was not to take place but in consequence of peace. That so far from being an adviser of Ministers, he had no connection with them but from private friendship and personal respect to some of the individuals; and that not one of them, or any man in the kingdom, knew he intended to make his motion till he made it. That, however, he would allow the noble Lord to suppose him the adviser of what Ministers he pleased, provided he would do him the justice to testify, at all times, that he had never been the adviser of a single measure of a late Administration.

Mr. *Hammet* said, he was sorry to see the divisions which existed in his Majesty's Cabinet; and above all earthly things, he desired to promote unanimity among the great men who had it in their power, if they would heartily join, yet to deliver this country from all her difficulties. He disapproved of the motion, and wished most ardently to see Ministers, left to pursue the negotiations uninterrupted.

Mr. Hammet.

Mr. *David Hartley* warmly approved of the motion, and answered the objections that had been advanced against it. He said, it had been said, that no positive advantages could be derived from its production. He answered there were. It would be a positive advantage to have a precise meaning fixed on the treaty by that House. He knew that the suspicions entertained of the Earl of Shelburne materially affected this country. He believed the Earl of Shelburne to be a man of honour, and if a man of honour, he must be against the independence of America. His strong doctrines on that point were in the recollection of the Congress; and he could prove from their public proceedings that they had no confidence in his offers of independence. He said, that in consequence of the whole tenor of the Earl of Shelburne's life, he, and many others, still entertained their doubts that the American war was not finally put an end to; and, therefore, it was his most ardent desire, that that House should come to some explicit declaration to bind Ministers to their duty. He had a motion in his mind to make, which he hoped the House would agree to; it was taken, verbatim, from the resolution proposed last session by the Commander in Chief, and which he should make the next day.

Mr. David Hartley.

Mr. *Byng* spoke with great feeling of the division which had taken place between old and dear friends. The candid and fair manner in which Mr. Fox had called on Ministers to say, if they entertained doubts that the exposure of this

Mr. Byng.

treaty would be attended with danger or inconvenience called for open and manly returns. But it appears, says Mr. Byng, that the King's Ministers in this House have delivered themselves over to vassalage and tuition, and submitted to silence in the most unseasonable conjuncture for their own credit that could possibly be.

Mr. Chancellor Pitt.

Mr. *Chancellor Pitt* expressed very ardent wishes, that the motion which Mr. Fox had made had been withdrawn, or that it should yet be so without any direct answer being given by his Majesty's ministers.

He very much approved of the advice which his honourable friend and relation had given him, and he should most strictly pursue it, in not entering into the discussion at all, and in not giving any hint, idea, or surmise as a Minister, what might be the consequences of the production of that treaty. As a Minister, he would not give any answer to what had been asked. He would, as a member of that House, supposing himself to be perfectly and totally unacquainted with the provisional treaty, assert, that it was his opinion that the exposure of it must be unseasonable, and inconvenient.

On the first day of the session he had undoubtedly said, that the provisional treaty might be laid on the table in a few days, meaning thereby, that the treaty with France might, in so short a time be brought to such a stage, that the provisional articles might be produced without hazard. He was not ashamed to own that he was mistaken; and he again repeated his very ardent and sincere wish that the right honourable gentleman had not made his present motion, or that he would yet withdraw it.

Mr. Burke.

Mr. *Burke* said, that the right honourable gentleman had paid actual, though not literal regard to the sage advice he had received, for he had spoken in such a manner as to answer the end of complete silence. Mr. Burke was very earnest in his recommendation to Government to avoid the slippery and unsure ground of proud silence, or of ambiguous communication; for though it might afford them a dishonourable shelter from the dangers of one night, it would do little for their permanent ease, credit, or advantage.

Gen. Conway.

The Commander in Chief (*General Conway*) said, he had heard of no material difference in the various explanations given of the provisional articles there and in other places. It was very true there had been rumours of difference; but from what he had learned, they did not appear to be material, or at any rate, that there was any deviation

deviation from the principles of that system on which they all set out. He had no conception of the dangers suggested by the right honourable gentleman for this provisional treaty; be it this way, or be it that way, it was agreeable to the American Commissioners; and certainly they were the best capable of judging what would be agreeable to America. The motion had not met the concurrence of the House, and he did not think that the mover would dare to take the sense of the House upon it, as he knew that he should be attended into the lobby by so small a minority.

Lord *John Cavendish* said, the motion of his right honourable friend was reasonable and necessary. If the Provisional Articles contained a full and absolute recognition of the independence of America, then there could be no possible harm in their production; and if they did not do this, it was fit that the House should know the fact, that measures might be taken to correct the deficiency. Lord Geo. Cavendish.

Mr. *Sheridan* adverted to what he had said of the communication made by a noble Duke, in a public company. That communication both he and Sir Cecil Wray clearly understood to be public, and not only so, but that they had the noble Duke's express leave to mention it in that House. Mr. Sheridan.

Mr. *Powys* said, that he should give his vote for the order of the day, but that he did it with great pain, as he must differ from Mr. Fox; but he thought it fair to leave Ministers to the negotiation in which they were engaged, remembering that they stood responsible for the terms they made. Mr. Powys.

Mr. *Steel* said, in answer to Mr. Sheridan, that he had mentioned this conversation to the noble Duke, who declared that he had given no leave to have it mentioned in Parliament. He disapproved of the motion. Mr. Steel.

Mr. *Sheridan* again averred, that direct authority was given by his Grace to Sir Cecil Wray, to relate the conversation in the House. Mr. Sheridan.

Mr. *Fox*, entered into a full examination of all that had been said in answer to his arguments, and in objection to his motion. That he dared not to take the sense of the House, he said, was what he did not expect from the right honourable gentleman. That the smallness of a minority was a proof of the weakness of the cause, was a proposition he thought would not have been advanced by that right honourable gentleman, after the many hard trials and severe struggles they had had to cure that House of their love of the American war. He commented on his declaration that there was no material difference in the language of his Majesty's Mr. Fox.

cause the market was high, and that he wanted the money for some private uses; but, to his great astonishment and his disappointment, he found the Governor of the Bank would not permit him to transfer any of his property there. He would not take upon him to say with what propriety it was done, but he mentioned it to shew the inconveniencies the act laid him under.

Mr. Jackson.

Mr. *Jackson* lamented that he did not see the Governor of the Bank in the House, who, was he present, would sufficiently explain his conduct, which he was sure must be consistent; but he could say, that he had heard that the honourable Baronet was offered a dividend upon his property in the funds.

Mr. Burke.

Mr. *Burke* said, it was not in the power of the House to grant the indulgence the honourable Baronet required; it was not a private business which concerned the honourable Baronet; it was a very great question that lay before them, as a Court of Judicature, to determine between two parties, between the inhabitants of Asia and the honourable Baronet; therefore it could not be delayed. If the charges were made good, he would move that the money, which would appear to have been unjustly obtained from them, should not go to the private emolument either of an individual or of the Crown, but be returned by way of compensation.

Sir Thomas Rumbold.

Sir *Thomas Rumbold* replied to Mr. Burke, and said, he wanted no delay; he wished to have the business ended, that he might be relieved from embarrassment. Why was it not told from whom the money was taken when gentlemen talked of speculation? Here the matter ended.

General Smith brought up a petition from Peter Perring, Esq. praying that his name might be left out of the restraining bill. It was objected to, and the House would not grant the prayer.

Colonel Onslow.

Colonel *Onslow* then said, he held a petition in his hand from John Whitehill, Esq. praying to be relieved from the penalties of the bill which had passed against him last session.

It was objected to by the Lord Advocate, Mr. Macdonald, the Attorney General, and others. Mr. Dempster spoke for mercy; but the petition was rejected, as Mr. Whitehill had fled from the justice of his country.

Colonel Fitzpatrick.

Colonel *Fitzpatrick* begged to call the attention of government to the circumstance which had given some alarm to the people of Ireland, the decision of an Irish cause in the Court of King's Bench in England. He wished just to beg that ministers would, before the recess, give some intimation of what they intended to do in that question.

Mr.

Mr. Secretary *Townshend* assured the honourable gentleman that government had spent many hours in the business of Ireland, and they had the strongest dispositions to do every thing in their power to confirm the happy settlement which took place last session. He explained the late decision to have arisen from a circumstance which could not be provided against, viz. that the cause had been in the Court for eighteen months, and the judges were bound to decide in it. Mr. Secretary Townshend.

Colonel *Fitzpatrick* said, that he was only anxious that satisfaction should be given to the Irish nation on this ground, and that they should learn, before the recess, that this country was well disposed to give every necessary satisfaction. He said this was particularly to be wished, because pains had been taken to spread ideas, that what had been done was not sufficient for the security of Ireland; and on the score of this decision surmises had been thrown out against the friends of order and reason, who were convinced of the rectitude of the intentions of Britain. He understood that there were several other causes in the Court of King's Bench. Colonel Fitzpatrick.

Mr. Secretary *Townshend* said, he had enquired into the fact whether there were any more causes in the King's Bench, and he understood there were not. He found there were two appeals before the House of Lords, which had also been there before the act of last session; but he understood that they would be removed, and pains had been taken to prevent any more appeals from being brought to England. Mr. Secretary Townshend.

The *Attorney General* explained the reason of the late decision very clearly, and said it was impossible for the noble Lord at the head of that Court, who was the pride and ornament of human nature, to prevent the decision. He said there were no more Irish causes, and it was now impossible that there should be any more. The Attorney General.

Mr. *Fox* said, that on this subject he took the first moment to declare that the intentions of those ministers who had sent the repeal of the declaratory law, were thereby to make a complete, absolute, and perpetual surrender of the British legislative and judicial supremacy over Ireland. This was the intention of government; and it was the clear conviction both of ministers and of the gentlemen of Ireland, who interested themselves in the business, that the manner in which this was done was the best possible way, and the least liable to exception. Since this had been done, opinions had been propagated, that a renunciation was better than a repeal. A renunciation was then thought of; but it was the opinion of the Mr. Fox.

the gentlemen, that if Britain did it by a renunciation of the right, it would be offensive to Ireland, because thereby we declared that we possessed the right. Again, a renunciation, stating it to be a right which we never legally possessed, was what England would not be brought to agree to, and therefore the plan pursued was the best way; and as it was clearly understood to be a complete surrender, was received with cordiality by those gentlemen whom he would pronounce to be the best and truest friends of Ireland.

The Com-
mander in
Chief.

The *Commander in Chief* declared, that government were resolved to do every thing in their power to put an end to all disputes of every kind.

Mr. Burke.

Mr. *Burke* moved for leave to bring in bills for the sale of the crown lands, copying the motions he originally made on that subject, and they were all agreed to.

Mr. Chan-
cellor Pitt.

Mr. *Chancellor Pitt* gave notice to the House, that soon after the recess he should resume the consideration of a reform in the representation of the people in Parliament. He wished to draw information from every part of the country, and he believed that during the holidays there would be discussions which would bring to that House the sense of the country.

It was said, that there should be a call of the House against the time, and it was agreed that a motion should be made the next day for that purpose.

Mr. David
Hartley.

Mr. *David Hartley* then rose to move the question he had intimated the day before, and he did it without wishing to debate the matter in so thin a House, which could not arise, he said, from casualty. He enumerated the reasons that he had for wishing that there might be a fresh declaration made by the House, that the minister, who should renew the American war, would be considered by them as the enemy of his country. The only difference he desired to make was to leave out the words for the purpose of reducing America to obedience by force. These were words which might be used as a cloak, and bad ministers might carry on the American war for other purposes. He concluded with moving,

“ That an humble address be presented to his Majesty, stating, that his faithful Commons think it their indispensable duty not only to return their grateful thanks to his Majesty for having adopted the sense of his Parliament and people, in having pointed all his views and measures, as well in Europe as in North America, to an entire and cordial recon-

reconciliation with those colonies ; but, likewise, to express to his Majesty, that whatever may be the result of the general negotiation for peace now depending, that our conciliatory sentiments towards America remain unaltered, as presented in their humble address to his Majesty on that subject in the last session of Parliament ; and therefore that this House will consider as enemies to his Majesty and this country, all those who shall endeavour to frustrate such beneficent dispositions of his Majesty, by advising, or by any means attempting the further prosecution of war on the continent of America."

Col. *Hartley* seconded his honourable relation in a speech of some length ; he was very warm in reprobation of the cursed system of the American war ; and was very distrustful of the intentions of the present Administration, who, he was of opinion, intended to pursue that bloody system. Col Hartley.

Mr. *Secretary Townshend* combated the propriety of such an address, and moved to have the former address to his Majesty on the subject of discontinuing the war, and reconciliation with America, and his Majesty's most gracious answer, read ; which being complied with, he moved to adjourn. Mr. Secretary Townshend.

Sir *William Dolben* found himself obliged to say something of his sentiments of the American war, as upon a former occasion he had not had an opportunity of expressing them. He declared he was against recognizing American independence. It was our policy to fight with France to make us once more master of America. A vigorous war with the House of Bourbon, crowned with success, would soon compel America to return to her duty. Sir William was falling pretty deeply into the subject, when he was called to order by Sir William Dolben.

General *Conway*, who said Sir William was introducing matters quite extraneous to the business before the House, and referred to the House if Sir William was not out of order. Gen. Conway.

Sir *W. Dolben* was very warm in reply to the General. He pursued the thread of his former observations ; but declared, if it became an agreement of State that America should be declared independent, he would abide by it. He likened Great Britain to the trunk of a beautiful statue, deprived of its other members. Sir W. Dolben.

Mr. Smith and Mr. Burke said a few words.

Mr. *Martin* had a firm reliance in Administration, at the same time would vote for the Address. Mr. Martin.

Mr. *Dempster* said, Sir William Dolben was perfectly in the right in declaring his sentiments, and lamented with him the dismemberment of the beautiful statue. Mr Dempster.

Commodore
Johnstone.

Commodore *Johnstone* was of opinion, that the Crown, by the act of Parliament, vesting it with powers to compromise terms of pacification with America, was not authorised to part with the supremacy of this country. He was desirous to see the treaty, to see how our interests were provided for, and to know what was done for the poor Loyalists, who had sacrificed every thing to their allegiance.

The honourable Commodore also directed himself to Mr. Fox, and the letter to Sir Guy Carleton, so often mentioned since the commencement of the Session. He said, the act did not pass till the 29th of June, and the letter was sent before that period. He treated very ludicrously Mr. Hartley's idea of withdrawing our forces from the Continent of America, and discontinuing the war there. Were we to cede Canada, what would become of us without some settlement in that part of the world? After having enlarged very much on this point, he was followed by

Mr. Fox.

Mr. *Fox*, who said, the letter he acknowledged mentioned to have been sent to Sir Guy Carleton, was written before the 29th of June. It was written, however, according to the temper he knew the House to be then in. It was a business of expediency, and it was his duty, as a Minister, to take the responsibility of doing so on himself, when the interest of the State was so much involved in it. The right honourable gentleman made some further remarks in reply to the Commodore.

Mr D. Hart-
ley.

Mr. *D. Hartley* made some few more observations.

Col. Hart-
ley.

Colonel *Hartley* made another very warm speech on the business of the American war, which had cost the nation such heaps of treasure, and such streams of blood. He was however determined to divide the House on the question of adjournment. The House accordingly divided. Ayes, 50; Noes 13.—Majority, 37.

December 20.

General
Smith.

General *Smith* moved for the revival of the Select Committee.

The Lord
Advocate.

The *Lord Advocate* said he would not object to it, provided it should be understood, that the sitting of this Committee should not be pleaded in bar of any proceedings, that it might be necessary to institute in consequence of the reports from the Committee of Secrecy.

Mr. Burke

Mr. *Burke* spoke a little on the subject; and the motion passed in the affirmative.

Mr.

Mr. *D. Hartley* moved for a call of the House on the 22d of January next; and that the Speaker should acquaint the different Sheriffs of this order. The motion was seconded by the Chancellor of the Exchequer, and ordered. Mr D. Hartley.

Mr. *W. Grenville* (Secretary to his brother the Lord Lieutenant of Ireland) said, he lamented, that he had not been present at a conversation, which he understood took place last night, relative to Ireland; if he had been present, he would have informed the House, that the late decision in the King's Bench of England, which had occasioned much jealousy in Ireland, had been taken notice of immediately by the Lord Lieutenant, who had not lost a moment to remonstrate on that subject with his Majesty's Ministers, and to make known to them the effect it had produced in the minds of the people of Ireland; and he must do Ministers the justice to say, he had found them very well disposed to remove the ground of jealousy: it was necessary also, that he should do justice to the Lord Lieutenant, by declaring, that there was not a man in either kingdom, more decidedly of opinion than his Excellency is, that the faith of England is pledged to Ireland for the truth of this proposition, that England has fully and completely renounced all legislative and judicial jurisdiction; and that nothing could be more conducive to the harmony and interests of both kingdoms, than that this national faith should be preserved inviolate. He said he intended to move for a call of the House at an earlier day than the 22d of next month; however, he hoped that gentlemen would be in town before that day; in that hope, he gave notice that a motion would be made in the House relative to Ireland. Mr. W. Grenville.

Mr. *Secretary Townshend* complained, that what he had said in the conversation last night on the subject of Ireland, had been grossly misrepresented in some publications; for though he had said that "great pains had been taken to prevent any more appeals being brought from Ireland;" yet he was represented to have said just the very contrary: it was not of much importance, he observed, what he, as an individual member of the House, might have said; but when it might be supposed that he was speaking the sentiments of his Majesty's Ministers, it was of great consequence that he should not be misrepresented. Mr. Sec. Townshend

The *Speaker* said a few words on the subject of taking notice of misrepresentations in public prints of expressions or arguments that had been delivered in that House; it was a practice which he would not recommend, as such a notice, and attempting The Speaker.

attempting to set the argument right, might perhaps be construed into an avowal of what was not contradicted.

Lord Beauchamp.

Lord *Beauchamp* was surprised that an honourable member should have given notice of a motion relative to Ireland, to be made on the 22d of January, when he had given notice of an intention to make a motion of precisely the same nature on the 29th; he certainly would have chosen an earlier day than the 29th, if he had not been told, that it would be impossible for him to get an attendance sooner: he understood it to be the privilege of a Member of Parliament, that when he had undertaken any particular business in the House, it was not to be taken out of his hands by another; this was a privilege which he would never resign: a friend to both kingdoms, his only object was to secure a lasting harmony between them; if he should be able to root out every remains of jealousy, his great object would be accomplished, and he would sit down the happiest of men. As to the writs of error to this kingdom, he knew they could in future be of no effect; for as a law had passed in Ireland to prevent the Judges of that kingdom to certify into England the record of the proceedings in any cause, so of course there was an end of appeals, as far as Ireland could put an end to them: but as an act of Parliament of Ireland could not shut up a court of law in England, it was necessary that an English act should be passed for that purpose; for, until such an act should pass, he should hold it to be sound-law, that whatever person feels, or thinks himself aggrieved by a decision of a court of law in Ireland, may apply to the King's-Bench in England, which court is bound to entertain his cause, though it is at present impossible that the Judges of that court could give redress in such a case, as every decision in England, affecting a cause that originated in and belongs to Ireland, made since the passing of the Irish act alluded to, must of course be null and void. He appealed then to the House, if it would not be proper to pass a law, which should direct the courts not to entertain Irish causes, their decisions on which must necessarily be ineffectual.

Mr. W. Grenville.

Mr. *W. Grenville* said, he had not arraigned the purity of the noble Lord's intention, and therefore there was not any occasion for his Lordship to have vindicated it; he did not want to interfere with the noble Lord's motion: but he would ask him, how he should know that the proposition which he intended to move on the 22d of January was of the same nature with that which the noble Lord intended to make on

on the 29th? But if it was, did he think that the Government of Ireland, that the Government of England, would suffer a matter to lie over to the 29th, which ought to be so very speedily taken up,—that, if it was possible, it ought to be determined before the recess?

Mr. Burke made an observation or two, and here the business rested for the present.

December 23.

The House were called to attend his Majesty in the House of Peers, when the land and malt-tax bills, the corn bill, and the bill for allowing the sale of prize ships, were passed.

Adjourned to January 21.

January 21, 1783.

The House met. Thomas Lewen, Esq. surrendered himself, and was ordered to be taken into the custody of the Serjeant at Arms.

January 22.

A petition of the Nobility, Gentry, Clergy, Freeholders, and others, the inhabitants of the county of Sussex, was presented to the House and read; setting forth, that the petitioners, thoroughly sensible of the excellence of the constitution, and of that essential branch of it, the representation of the Commons in Parliament, cannot but lament the present state of the same so partially elected, and having frequently a separate interest from the people, are unequal to express the general sense of the said Commons; and that the petitioners consider the same as a grievance materially affecting the petitioners, and the whole kingdom; and therefore praying the House to take the same into their speedy consideration, and to afford such relief as to the House shall seem meet.

Ordered, that the said petition do lie upon the table.

The Earl of Surrey brought up a petition from Samuel Petrie, Esq. setting forth, that on the 18th day of December last, the petitioner presented a petition to the House, complaining of the undue election and return of the Hon. George Richard St. John, at the last election of a burgess to serve in Parliament for the borough of Cricklade, in the county of Wilts, alledging that the petitioner conceives himself duly elected at the said election to serve in Parliament for the said borough, and ought to have been returned; as
also,

also, that the petitioner was informed, that at the time of the said election the said George Richard St. John was a minor, being under the age of twenty-one years; which petition the House has ordered to be taken into consideration on Tuesday the 4th of next month; and that the petitioner, in January, 1781, commenced actions against Paul Benfield, Esq. a Member of the House, and John M^cPherson, Esq. who at that time had likewise a seat in the House by an undue return, for bribery and corruption practised by them at the election, in September, 1780, of burgesses to serve in Parliament for the said borough of Cricklade; but which actions the petitioner has been prevented from bringing to issue by the abuse of the privilege of Parliament, exercised by the said Paul Benfield and John M^cPherson; and that afterwards the said Paul Benfield and John M^cPherson commenced actions against the petitioner upon an unjust charge of bribery and corruption; and, by the perjured evidence of the witnesses who were examined upon the trials of the said actions, obtained verdicts against the petitioner; and that against two of those witnesses, without whose evidence no verdict would have been given against the petitioner, bills of indictment for wilful and corrupt perjury in their evidence in the said causes were found by the Grand Jury at Marlborough, so long ago as the Michaelmas quarter sessions 1781, but, by the management of the solicitors of the said Paul Benfield and John M^cPherson, the petitioner has been hitherto prevented from bringing them to trial; and that on Thursday, the 9th of the present month of January, by virtue of writs from Robert Taylor and Benjamin Cole, Esqrs. Sheriffs of the county of Middlesex, dated the 28th of November last, directed to Richard Hayes, John Doe, and Richard Roe, and sued out by Messrs. Wallis and Troward, solicitors to the said Paul Benfield and John M^cPherson, the petitioner was taken in execution upon the judgments obtained on the said verdicts, by the said Richard Hawes, and carried by him to the house of David Simpson, a sheriff's officer, in Brook-street, Holborn, where he has ever since been, and where he now is: and that the petitioner, conceiving the privileges of the House to be violated in the person of the petitioner, therefore prays the House to take the premises into consideration, and to grant to the petitioner such relief as to them shall seem meet.

The
Speaker.

The *Speaker* directly rose, and said, that a letter signed Samuel Petrie, had been delivered to him at his house on
Monday,

Monday, stating the facts which the noble Earl had set forth, and desiring that he would interfere : he did not think it was a business for him to mention to the House, he therefore desired his Secretary to write word to Mr. Petrie, that his only proper way would be to petition the House. This letter, he said, was dated Saturday, but he did not receive it until Monday ; and during the short time since he received the letter, he had searched for precedents of the kind, and was only able to find one which was not exactly similar. It was a petition of John Asgill, Esq. in the year 1707, who was a member of the House, and who was taken in execution on a judgment ; upon which he petitioned the House, and a committee was appointed, who made a long report.

The Journals were referred to, and read ; after which leave was given to bring up the petition.

The Earl of *Surrey* then moved, That a committee be appointed to search for precedents, wherein a person, who was a petitioning candidate, had been taken into custody, and to report the same to the House. The Earl of
Surrey.

Leave was given ; and a committee was accordingly appointed, consisting of all the members of the long robe and others.

Mr. *Dempster* desired leave to bring up a petition he held in his hand from John Whitehill, Esq. who was supposed to have absconded and left the kingdom, to prevent his being examined respecting the government of Madras, while he was one of the council, and for apprehending of whom the royal proclamation was issued, and a reward offered. Mr. Demp-
ster.

Leave was accordingly given. The petition was brought up, and set forth, that, by an act passed in the last session of Parliament, intituled, " An Act for compelling John Whitehill, Esquire, to return into this Kingdom, and for restraining him, in case of his Return, from going out of this Kingdom for a limited Time, and for discovering his Estate and Effects, and preventing the transporting or alienating of the same," the petitioner has incurred a forfeiture to his Majesty of all his property, real and personal ; and that, at the time of passing the act, the petitioner was not in this kingdom, having left it in November 1781, when no proceedings had been commenced against him, either in the courts of law or equity, nor had he any intimation of any charge preferred, or any resolution passed or agitated in either House of Parliament, affecting his conduct in India ; and that the petitioner solemnly declares, that the cause of his leaving the kingdom

kingdom was not from any apprehensions of the consequences of an enquiry into his conduct, nor with the remotest design of withdrawing himself, or his property, from the justice of Parliament ; and that the petitioner begs leave to solicit the attention of the House to his present situation, in respect to the charges that have been exhibited against him of misconduct in India ; that he is in the state of one accused only, but not convicted, and that he has not hitherto been heard in his defence ; and that the petitioner admits, that, by the beforementioned act, a limited period was allowed him, to return into this kingdom, and to controvert those charges, under the conditions in the act mentioned, and, the petitioner is fully sensible of the weakness and impropriety of his conduct in not having so done ; but the petitioner, throwing himself upon the mercy and compassion of the House, hopes he shall be deemed not altogether unworthy of their forgiveness for this default, when they shall be pleased to consider, in addition to the infirm condition of his health, the utter inability the petitioner was under, from the state of his affairs, complying with the requisitions of the act, in respect to the sureties thereby required, and the apprehensions he was under from his private creditors, to whom he was largely indebted, and whom, from the bulk of property being then, as it still is, in India, he was utterly unable to satisfy, or even to procure bail to any actions that might be brought against him ; and that the petitioner, notwithstanding the weight of these difficulties still pressing upon him, has returned into this kingdom, for the purpose of submitting himself to the justice of Parliament, and of laying open his fortune and his conduct to the fullest investigation which the House may think proper to institute ; and the petitioner doubts not that, if by the indulgence of the House he shall be permitted to be let into his defence against the charges of misconduct in India, he shall be able fully to vindicate himself ; and that the petitioner begs leave to represent, that very little delay has been hitherto occasioned by his absence in the prosecution against him ; and the petitioner solemnly declares, that he has not, in the mean time, alienated or removed from this kingdom, nor attempted to alienate or remove, any part of his property, except so much as was necessary for his subsistence, the whole of which he is ready to give an account of, under the severest penalties that the House shall think fit to impose ; and that the petitioner hopes, that his absence from the kingdom, under these circumstances, does not me-

rit the heavy punishment inflicted by the said act, whereby the petitioner, at the close of a life worn out in laborious employments, is doomed to inevitable penury and ruin, and to linger out the remainder of that life amidst the horrors of perpetual imprisonment; the petitioner therefore humbly implores the compassion of the House, to allow him that indulgence, which he is advised is always allowed upon outlawry in civil cases in the courts of law, and which, he is also advised, will be found warranted by the authority of precedent in the annals of Parliament; and that the petitioner solicits nothing from the House but an opportunity of being heard in his defence, and that after such hearing, the House will then condemn or acquit him, as in their justice they shall think fit; in the mean time, the petitioner prays, that leave may be given to bring in a bill, for the purpose of repealing so much of the aforementioned act as inflicts the penalty of a total forfeiture on the petitioner, for not surrendering within the time limited by the act for the petitioner's return, or that Parliament will provide such other relief for the petitioner as to them shall seem meet.

Mr. *Dempster* then moved, That the petition be referred to a committee, and that they do make their report to the House. Mr. Dempster.

The *Lord Advocate* said, he should not oppose the motion, as it only went to the appointing of a committee, but should wait and see the result. Lord Advocate.

Mr. *David Hartley* now called the attention of the House to the original order of the day. He stated, that before the recess it had been appointed, that the House should be called over on this day; but as he found there was business of a most material nature to come on, he should defer the call to a future day. He thought it exceedingly proper, he said, whilst so many great national questions were to be agitated, to keep the call of the House hanging over the heads of members, and by that means keep them in town; formerly, he said, there used to be but one call of the House in a session, and that was when some important question was to be discussed, and not more than one important question perhaps was discussed in a session; but now he could wish the call of the House to be every fortnight, and therefore he concluded with moving, that the House be called over on this day fortnight. Mr. D. Hartley.

Major Hartley seconded the motion.

Mr. *Rolle* rose, and opposed the motion; upon which a division took place, when the numbers were, noes 108; ayes 79;

Strangers were not admitted into the gallery again for some time ; during which period a trifling debate took place between Mr. Secretary Townshend, Mr. C. Jenkinson, Mr. David Hartley and Mr. Fox, when it was agreed upon without a division that the House should be called over on Friday next.

AFFAIRS OF IRELAND.

Mr. Secretary Townshend.

Mr. Secretary *Townshend* informed the House, that in consequence of the notice given by him yesterday, he was going to move for leave to bring in a bill relative to Ireland. It was not his intention, he said, to trouble the House with a narrative of the proceedings of the last session on Irish affairs ; they were fresh in the memory of every gentleman : the principle upon which Parliament acted at that time, was to give Ireland every satisfaction that justice demanded, and that was consistent with the dignity of Great Britain. The mode that had been adopted to convey that satisfaction might not have been such as to prevent all cavil, and take away every pretext from those who might have a greater wish for embroiling, than for settling public affairs. Ireland did not desire, and would not accept of a grant of rights from Great Britain ; and at the same time her good sense, and her regard for this country, would not suffer her to propose or demand what England would not do, what she could not do, without recording her own shame, namely, to declare that for centuries she had usurped the rights of Ireland. As for himself, nothing was farther from his intention than to impeach the mode of proceeding of the administration under whose direction the Irish business had been conducted last year ; he believed that sincerity and wisdom had guided their steps ; but some untoward circumstances had intervened, to prevent them from producing all the good effect that might have been expected from them, particularly a late decision in the Court of King's Bench here, which had excited jealousies in the breasts, even of the best-intentioned men in Ireland. In what he had just said, Mr. Secretary declared, nothing could be farther from his meaning, than in any, the most distant manner even, to reflect on the conduct of the judges of the Court of King's Bench, with regard to their determination on the writ of error. He was perfectly conscious, that they were bound to act as they had done ; that it was not in their power legally to have acted otherwise : and that in reality, what

what they had done, did not affect the question between the two countries. Ireland claimed a sole and exclusive exercise of judicature, as well as of legislation; having given up the legislation, the judicature certainly was not worth contending for; and therefore, were there not other great and weighty reasons of policy and justice in the case, he should think England ought, knowing what the wish of Ireland was, to meet it cheerfully and readily. To lull these jealousies; to lay all doubts and disputes about constitutional points fast asleep, so that they might never wake again, was the object he had in view in the motion he was going to make; and he hoped that Ireland would rest satisfied, that in no change of affairs would England ever retract that faith, which, in his opinion, she had pledged, when she repealed the 6th of Geo. I. fully to surrender all legislative and judicial authority over Ireland. It was not his wish to enter then into a discussion of the contents of the bill, which he intended to bring in; when he should have the honour of delivering it to the Speaker, gentlemen would then have an opportunity of seeing how far it went, and of debating upon every part of it; but for the present he wished there might be no debate, it could answer no good purpose; and, by reserving what they had to say upon it till the fit opportunity, it would be impossible for any thing, that might be said, to be misconceived or misrepresented, by error of judgment on the one hand, or malice on the other. This had been the case before; and words dropped there, with the best intention and the fairest meaning, had been sent under a new construction, and a construction that did not belong to them, to a distant place; the consequence of which misrepresentation was, that those were irritated and enflamed, who were meant to be appeased and gratified. He wished that his motion might pass unanimously, that the people of Ireland might see that England meant fairly when she set out to remove the causes of their jealousies and discontents. Mr. Townshend then moved for leave to bring in a bill “for removing and preventing all doubts which have arisen, or might arise, concerning the exclusive rights of the Parliament and Courts of Ireland in matters of Legislation and judicature, and for preventing any writ of error, or appeal, from any of his Majesty’s courts in that kingdom, from being received, heard, and adjudged, in any of his Majesty’s courts in the kingdom of Great Britain.”

Mr. *W. Grenville* (secretary to Lord Temple) seconded the motion, he was happy to find that government had so early, Mr. W. Grenville.

and of their own accord brought forth this business ; for though he would not say how jealousies had been excited in Ireland, there was no doubt, but jealousies did exist there ; and that the late transaction in the Court of King's Bench here, had in no small degree contributed to spread them wide. The necessity of taking some step that should amount to such a prevention, struck him so forcibly, that he could not but rejoice exceedingly at what he had heard that day ; at the same time he meant not to suggest the smallest impeachment of the measures of government last session, or of the intention of those gentlemen who had managed the business on the part of Ireland. The latter, he was perfectly aware, meant to serve their country with fidelity, with zeal, and to the full extent of what they thought to be her wish, desire, or just expectation. The Right honourable gentleman also, who brought forward the proposition of the 17th of May, meant, and he had heard him a few weeks since declare, he meant, by a repeal of the 6th of George I. a full and complete abandonment of the exercise of legislation and judicature over Ireland ; and he had stated the reasons, why he had thought the repeal of that act the most proper mode of settling the claims of Ireland. He had said, that he meant not to avow that this country had unjustly exercised, for a number of years past, a right, that she had not, because 'this country would never hear of such a humiliating declaration, and because Ireland was too wise to require her to make it. He had therefore aimed solely at granting Ireland what she claimed, substantially and effectually, and in the manner that appeared to him least liable to objection, and least likely to give offence to either country. It had since appeared, that the repeal of the 6th of George I. had not proved so complete in effect as the right honourable gentleman had expected. The late decision in the Court of King's Bench had set the matter afloat again, and it became necessary to do something more, in order to put an end for ever to the possibility of any farther doubt, and to give Ireland the most indubitable pledge of the good faith of Parliament in regard to her meaning last year. The measure now proposed would be that indubitable pledge, and if any thing could enhance its value, in the eyes of Ireland, it must be the handsome, liberal, and magnanimous manner in which it was taken. At a moment when the prospect of peace was before us, when this country was rising out of her difficulties, without any consideration of the improvement of her own condition, without regard-

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ing the situation of other powers, for government to come forward, and listening to the voice of Ireland, immediately to meet her desires, and gratify them to the fullest extent, was an instance of magnanimity that could not but warm the hearts of our fellow-subjects across St. George's channel, and excite the admiration of all the world. Mr. Grenville spoke for some time with great eloquence on this circumstance, on the near relation of Ireland to England, and on the mutuality of their interests; and having shewn that the prosperity and adversity of each must necessarily be mutual, said he flattered himself that the motion, that had been made by his right honourable friend, would meet with the unanimous concurrence of the House.

Mr. *Eden* rose next. He said, that when Mr. Fox's propositions were discussed on the 17th of May last, he had ventured to declare his belief, that those propositions would be satisfactory to Ireland, and his opinion, that they ought to be satisfactory. He had not seen any early reason to believe himself mistaken in either idea; for the Irish House of Commons, on learning what had that day passed, had voted an address to the King (with only two dissenting voices), in which they assured his Majesty, "that no constitutional question between the nations would any longer exist." A dissatisfaction had somehow since arisen, but he still continued to think, that it ought not to have arisen, and the business of the day was the best proof that it ought not; for it shewed, beyond a possible doubt, not merely the good faith, but the industrious anxiety of England, to gratify Ireland in the point of free legislation. The House were not founding their act on any constitutional, or authenticated information, but on the rumours of pamphlets and newspapers; they were shewing themselves more ready to hear, than Ireland could be to pray; the Irish ingenuity in raising doubts, was outstript by the English alacrity in removing every imaginable cause of doubt.

He added, however, that he was far from meaning, either to express or convey any censure, either of the ingenuity of the individuals who had raised the doubt, or of the jealous sensibility of the people who had adopted it. A doubt originated by the noble Lord, with whom he had lived twenty years in habits of friendship, forcibly stated in Ireland, by the legal precision of Mr. Walshe, supported by the admirable and unwearied abilities of Mr. Flood, and counterbalanced by the manly firmness and eminent integrity of the Recorder

Recorder of Dublin, was certainly not to be treated otherwise than with respect. Mr. Eden then stated the nature of the supposed doubt, its national tendency to engage popular attention, and the prudence of anticipating the desires of Ireland, if the King's ministers were prepared with a bill really adequate to that purpose. He wished, however, that the business had been accompanied by something more than that prospect of peace which had been mentioned by Mr. Grenville; nothing indeed was wanting to give it full grace and energy, but a third letter to the Lord Mayor of London, communicating the conclusion of preliminaries; such a letter would have cut up, by the roots, the ungenerous, unmanly, and ill-founded notion, that Ireland owed these repeated attentions to the weakness and embarrassments of England. He felt himself disposed ever to think, and to speak of Ireland with gratitude, with affection, and with respect; but he did not think her at this hour an object of fear to any nation under the sun; she neither had, nor would have her due importance in the great scale of the globe, till she could be induced to think herself secure in quitting politics, and pursuing commerce; it was his object and wish to forward for her that happy and important moment.

He never had admitted, nor would admit, that Ireland owed her acquisitions to the battalions of her volunteers, farther than as the volunteers were understood to express the general sense of the nation. His deference in these matters had been paid, not to their English firelocks, but to their Irish unanimity; he would have paid at least an equal deference to as many farmers or manufacturers, with the implements of their industry in their hands.

The insinuation was not only ungenerous and untrue, but it was unwise; if the concessions were the forced fruits of Great Britain's embarrassments, what would be the natural fruits of her returning prosperity? Ireland ought then to found and rest her security, where she safely might, on the basis of national wisdom, national affection, and national faith.

The honourable gentleman next stated and avowed his opinion, that it was for the interest of an empire that a supremacy of legislation over all its constituent parts should reside within the metropolis or seat of the empire; but from the hour that he had felt the unhappy necessity of quitting that position, in regard to the distant dependencies of the British empire, he had felt and urged the expediency of re-

nouncing it also in regard to Ireland. He had not been so clearly convinced of the expediency of abolishing the appellat jurisdiction, because he thought it beneficial to Ireland; but the representatives of Ireland thinking otherwise, he had acquiesced. Still less had he been satisfied with the alteration of Poyning's Law, by which all power of correcting Irish bills, in either council; was abolished, and an extreme probability admitted of the two kingdoms frequently passing laws totally adverse to each other. He reminded Mr. Fox, that he had consented to that in the confidence only of measures being taken, pursuant to the resolutions and address, to establish the connection of the two kingdoms on a firm and permanent basis.

He added, that some such measures were now becoming unavoidably necessary. Mr. Yelverton's bill had adopted only such statutes, mutually affecting the two kingdoms, as were then existing; and many under that description would expire at the close of the war, though they must be renewed in any future war. There were also many other temporary statutes; and in this question not only the conduct of the Courts of Admiralty, the interests of the East-India Company, the fisheries, the light-houses, Greenwich hospital, and the regulations of the navigation act, would be found involved, but many greater interests of more essential importance. He was willing and desirous to leave these great objects of attention to those who possessed the confidence of his Majesty, and the confidence of Parliament; but he hoped and trusted, for the sake both of Ireland and England, and for the perpetual peace and quiet of the two kingdoms, that they would not be neglected.

Colonel Fitzpatrick said, that he by no means rose to give any objection to the bill moved for by the honourable Secretary. There was only one expression which he owned he found fault with, and that was, that there were doubts and jealousies subsisting in the kingdom of Ireland. He knew of no such doubts and jealousies, and that House knew of none. There had not come to their knowledge, by any petition, memorial, or representation whatever, any account of these jealousies, and therefore, without meaning to object to the honourable gentleman's motion, he did not think it was either wise or salutary to say that this bill was to be brought in, and this explanation given on account of jealousies. Undoubtedly it would not be wise to take the resolutions made at taverns, and the stories printed in the newspapers, as proofs that

that the nation entertained jealousies. If they did this, they would never know where to stop; for they would always find there would start up some few individuals, who would, by weak pretexts, and under various masks, endeavour to raise clamours as distinct from the voice of the nation, as the purpose which they had in view was distinct from the true interests of the country.

He believed that there was no jealousy at this time subsisting in the kingdom of Ireland. He entertained the greatest confidence in the loyal disposition of the people of that country, and believed that they were most sincerely and anxiously bent on the maintenance of that solid friendship, and perfect equality, which the measure of last session had established. The repeal of the 6th of George I. was never intended as a security to the Irish against the introduction of appeals and writs of error into our courts. The right of the decision of writs of error in the British courts was never denied by the Irish lawyers, and it was therefore a right to be conceded. As soon, therefore, as the Irish legislature was declared by the act of last session to be independent, they passed an act, prohibiting any farther appeals or writs of error from being sent to the British courts. This was done, and this was considered as amply sufficient; but since that time, on account of the decision of an Irish cause in the court of King's Bench, it might be proper to pass an act here, declaring that no other causes should be entertained. This could not be wrong, and it might do good. The custom of appeal to the jurisdiction of the courts of England by the writ of error, was coeval with the constitution of Ireland, consequently it neither originated in the Declaratory act (the 6th of George the First), nor was it taken away by the repeal of that act. The ablest lawyers in Ireland were, he said, of opinion, that it was as old as the common law of the land, and therefore he conceived, that the Parliament of Ireland had thought it necessary to pass a special act last session for the regulation of it in future. This made some bill to repeal the act yet in force, which obliged the courts of law here to receive and proceed to decide upon any cause so brought before them, necessary to be brought in. As the matter stood at present, it was involved in absurdity; the English courts were bound by law to receive a writ of error from Ireland, although all their proceedings upon such writ were rendered nugatory, and of no effect in Ireland, by a late act of the Irish parliament. Had a bill to set this to rights been proposed, Mr. Fitzpatrick

Fitzpatrick said, he should have thought government acted properly ; nor should he have considered it at all inexpedient, had an explanation of the intentions of England in the repeal of the 6th of George I. been inserted in such a bill ; but he could by no means admit, that it was either wise, necessary, or even warrantable to bring in a bill on the ground of removing jealousies and discontents that had arisen on the interpretation of the repeal of the 6th of George the First. He begged to know to what paper on their table that House was to refer for a proof of the existence of any such discontents and jealousies ? At the same time he must say, both for the Government that passed the act of last session, as well as for the gentlemen of Ireland, with whom they treated for the conclusion of the question, that the manner in which it was done, was resolved on after mature deliberation, and after weighing all possible modes which could be taken. That it was agreeable to the Irish nation, appeared from the famous address which had been already adverted to ; and which might be said to have passed unanimously, as there were only two dissentient voices to the memorable expression, “ that after granting these things, there could no longer remain any constitutional question between the two countries.” That there should be some murmuring in certain persons in Ireland, notwithstanding all that had been done last year, was regarded by the present Administration as a matter of alarm and a matter of surprize — to him the aspect of it was extremely different. Let any gentleman maturely weigh the whole of the case ! Let him recollect the sharp and acrimonious contest for power, that had so long subsisted between the two countries ! Let him consider what Ireland had extorted from one Minister ! (He used the word extorted, because when he saw a Minister give with a profuse hand one year, what, when but sparingly and humbly asked, he had denied the year before, he could consider it in no other point of view than as a concession extorted.) Lastly, let him turn his thoughts back to what Ireland had gained in the month of May last, and he was persuaded, the gentleman who duly considered these things would see, that the present discontents and jealousies (allowing for a moment that they existed) were only the natural consequences of what he had stated, as having preceded them. The minds of men in Ireland had been, as it were, fermented and worked up into a kind of political fever ; and he that expected that they would subside altogether in an instant, and grow every where perfectly calm and

temperate, must be equally unacquainted with the state, humours, and sensations of the body politic and the body natural. It was naturally to be imagined, that there would be in that country, as there must be in all countries, certain restless spirits, to whom the return of peace and order must be unfavourable. That such men should be ready to propagate stories and suspicions was not strange; and it was no ways to be wondered at, if by their address and cunning they should bring over a certain set of men to listen to them. But was a wise and prudent Government to call such clamours the voice of the nation? Certainly not: and he therefore wished that on the present occasion there had not been any mention made of the jealousies of the Irish nation.

Lord Beau-
champ.

Lord *Beauchamp* said, that having given notice before the holidays, that he intended to move some propositions relative to Ireland, it might be expected that he should say a few words on this occasion: he was always much more attached to measures than to men; and as he found that what he intended to have done was now taken up by persons who could much more effectually go through the business than he could, he should rejoice at seeing that done, which he was of opinion ought to be done; and his pleasure on this occasion was not the less sincere, because he had been deprived of the opportunity of doing that good which he intended. That there were jealousies in Ireland was not to be doubted; that there were grounds for these jealousies was an incontrovertible proposition: the right honourable gentleman who had spoken last had made it appear evident; although he did not expect to hear from that honourable gentleman, that the grievances or jealousies of a nation could not be collected from resolutions made at taverns, and published in newspapers; he did not expect to hear this said by him: but he had said that the writ of error from Ireland, returnable into the King's Bench of England, was coeval with the constitution of Ireland; it was impossible, therefore, that the mere repeal of the 6th of Geo. I. could take this writ away: now, if it did not take it away, with what truth in argument could the right honourable gentleman say, that this country had fully and completely surrendered every legislative, every judicial jurisdiction over Ireland. But the right honourable member would say, "it was only of the appellant jurisdiction of the House of Lords that the Irish complained." To what did a writ of error brought into the King's-Bench here ultimately tend? Why, to establish that very appellant jurisdiction of
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the British House of Lords, of which the Irish had complained ; for no man could doubt but the party, who, in the appeal to the King's-Bench should think himself aggrieved, was by law entitled to take out a writ of error returnable in Parliament ; and thus the English Lords come once more into possession of that very judicial jurisdiction which the right honourable gentleman would have the Irish erroneously believe had been fully surrendered up to them. His Lordship took up the other branch of jurisdiction — the legislative ; and he maintained, that the Irish had been as much deceived in this point as in the former : for though it was said, and erroneously said, that the rights of England over Ireland in matters of legislation had been surrendered, scarce three weeks had passed, when the English Parliament legislated for Ireland, by passing an act prohibiting the exportation of blocks used in callico-printing ; in this act, Ireland was expressly named, notwithstanding the very recent appeal of the 6th of George I. Had not the Irish a just cause for being alarmed at this breach of faith with them ? But was this the only instance of attempting to legislate for Ireland ? No — for that kingdom was expressly named in the act which opened the British ports for the importation of sugars, &c. the produce of St. Kitt's, and other late British islands in the West-Indies. Surely an attempt to open the ports of a kingdom was one of the highest acts of sovereign power ; and yet this power the British Parliament had assumed, just after they had, in the opinion of the right honourable gentleman, surrendered all legislative authority over Ireland. Was it unnatural then that jealousies should subsist in that country ? He was very willing to allow, that in these cases the word Ireland had slipped in by oversight, and that it had passed the House through that indifference and inattention which but too strongly prevailed. He did not doubt the sincerity of their intentions, but the matter might naturally excite disturbance in Ireland. And if none of all this had been done, a transaction had taken place at the close of the last session, which of itself might well excite jealousies, and keep them alive ; for a noble Lord in the Upper House had read in his place a bill, which he said he would at another period move for leave to bring in ; which bill proposed to resume and maintain the right of England to legislate externally for Ireland. Were the people of that country to be the sport and caprice of every man ? Were they to have no other tenure, no other security for their rights,

than the construction of law, than the mere repeal of a Declaratory act? Which repeal, according to the interpretation even of the gentleman who stood up so strenuously for this proposition, "that England had fully and completely surrendered all legislative and judicial jurisdiction over Ireland," left the writ of error to the King's-Bench here, and the consequent eventual appeal to the Lords of England, precisely where it found them. If this was the case, and he called upon any Member to disprove it, what security had the people of Ireland against a revival of the power of legislation, and the right of judicature? Surely something more than a construction of law was necessary; a record on the journals of Parliament, which should prevent any future generation from explaining away the intention of the legislature of this day, would be necessary; this and this alone would suffice. That the Parliament of Ireland would deem it disrespectful that any thing should be done in England, while they were not sitting to allay jealousies, which they were said to have declared had entirely subsided, was trifling and puerile; for it could not be supposed, that the Parliament would take offence at any measure, the sole tendency of which was to give efficacy to the claims of rights which they had urged to this country. But had that Parliament really declared that all jealousy had subsided? The addresses of both Houses differed essentially; and that from the Lords particularly mentioned the renunciation not of the rights, but of all claims of England over Ireland; now if claims were set up, and they were not only set up, but asserted in the several instances he had mentioned, could it be supposed that the Irish Parliament would shew no jealousy at their meeting? Was it not therefore wise and prudent in Ministers to avail themselves of the present circumstance, when one Parliament is sitting and the other not, to take such steps as would effectually stifle all jealousy, and draw from the Parliament of Ireland, at their next meeting, addresses of affection, of kindness, of generosity, instead of gloomy and resentful remonstrances?

Col. Fitz-
patrick.

Colonel *Fitzpatrick* said, he certainly had no objection to the bill moved for by the Right Hon. Secretary, as far as it related to the appeals from Ireland; but if it was thought necessary that this country should expressly renounce the jurisdiction over Ireland, he thought it would be better to bring in a separate bill for that purpose. As to the noble Lord who had just sat down, he would read to him a paragraph from a printed letter, said to be written by a noble member of that

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House, [Lord Beauchamp himself to the Belfast volunteers] in which the noble writer said, "if the people acquiesce in what has been done, my lips are closed for ever on the subject:" the people had acquiesced in what had been done, and therefore one could scarcely have expected to see the noble Lord run a race with the Minister, to try who should first open lips on the subject.

Mr. *Grenville* rose to inform Colonel Fitzpatrick, that he had misapprehended the motion in one particular. It did not state that there had arisen jealousies in Ireland; the words were simply to remove doubts that had arisen, or that might arise. Mr. Grenville.

Mr. *Fox* rose, not, he said, to oppose or censure the present motion by any means. It might appear to some men's minds extremely expedient; to others it was evidently right, and indicated a degree of necessity, of which, however, for one he was clear to own he did not see the ground. But as a measure, of which he did not perceive any either very good or bad consequences, he would not give it an opposition; at the same time he trusted, no member would consider it as resulting from what had passed in that House last year, relative to the affairs of Ireland. Whoever would now come forward, and arraign that wise, that salutary, and important measure, as producing grievances which now required the interference of the legislature, he would deliver it as his opinion, did not understand the business. He had every reason to be convinced, as he certainly was in the fullest manner, that the measure to which he alluded produced the most substantial and universal satisfaction throughout the whole kingdom of Ireland. It was impossible but it must have been as he had stated it. Did the requisition of Ireland extend to a single point which had not by the British Parliament been granted to them, and granted to them in the most unequivocal and explicit terms? Did not the repeal of the act of the 6th of George I. demonstrate that this country was far from claiming any jurisdiction over them? Was not this repeal most happily connected with a variety of circumstances which went to the same effect? Had his Majesty's Ministers, for the time being, calculated erroneously, or proceeded on these principles, without mature consideration? Their plan was, however, sufficiently justified by the event. What was the language of Ireland at that time? Did not the whole kingdom breathe the most heart-felt gratitude? He was persuaded the friends of the bill proposed by the Mr. Fox.
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Right Honourable Secretary would not, therefore, impute it to that measure, or hold up the one as an amendment or completion of the other. This, in his opinion, would be acting unfairly and unjustly; as the complaints of Ireland, so far as they then went, had been, even in their own ideas, satisfactorily answered. It was true, a reference, by writs of error to the Court of King's Bench in this country, was not included in a full renunciation of her rights of supreme jurisdiction over Ireland, neither was it demanded of us by them. It was very well if their desires and petitions were granted when put. The Address, as transmitted from Ireland, fully evinced the reception which the resolves and decrees of the British Legislature met with from them. These were collected by the Parliament of Ireland, who were certainly competent judges of their sincerity and expedience. The plain English, therefore, of there being still something more necessary than had yet been done, and that the doubts and discontents of the Irish were the grounds of the present motion, was, That we know what the people of Ireland think, and how they feel better than their own Parliament does; and though their Parliament should think them pleased, we know they are not; they are full of doubts and diffidence, in so much that an act of the British legislature is still necessary to allay their fears, and persuade them that our intentions are sincere and liberal. He thought this a strange mode of reasoning, but was sorry no other could well account for the present motion. It was, in his apprehension, doing violence to human nature, as he was certain confidence could never result from any exertion of the Legislature. It was, in its own nature, voluntary. A profusion of professions never had, and he would venture to predict, never would, either produce or confirm it. It did not become an English Parliament to interfere about the appeals in matters of right, by writs of error. This was, in his opinion, competent only to the Parliament of Ireland, who, by the repeal of the 6th of George I. were virtually invested with full powers to regulate every domestic inconvenience according to their own discretion, without the control of any power on earth. This they had actually done, and a bill for the purpose had received the royal assent. Any thing farther did not, therefore, strike the honourable gentleman, as in the smallest degree essential or indispensable, either to their general content or convenience. It was not his design to go farther into the business. He was led thus far from the strain of speaking adapted by the several honourable gentlemen who had already

already spoke. Ill as some might think it became him, he, notwithstanding, would hazard one advice to his Majesty's Ministers; it was, that this business must have an end sometime or other; and the question now was, how to draw the line, or where would it be possible for them to stop? It was madness to imagine, that any measure whatever could not, and would not be cavilled at. The people of Ireland, like all other people in similar circumstances, would speculate on public affairs. But surely all rumours were not objects of importance enough to interest the attention of that House, or when they did, no man could imagine that any statute, or preamble to a statute, or form whatever, would totally suppress them. But the honourable gentleman begged he might not be misunderstood on the other side of the water, as if he retained any wish for supporting the supremacy of Great Britain. His sentiments on that head were well known. He only wished that Ministers would come to the resolution of making a stand somewhere, that they would take the most permanent station in their power, and by their conduct put it out of the power of party, prejudice, or any other bad principle, to misrepresent their meaning, or doubt their sincerity. Reason, equity, justice, and expediency, were motives which could never be mistaken; and whenever they assumed these for the grounds of their system, it would prove a solid and effective one. But he trusted no latent designs against the rights and liberties of any subjects to the Crown, would ever be seriously imputed to a British Ministry. He vowed to God he would rather relinquish the dependence on the Crown of England altogether, than see them subjected to it by force of arms. There was a point, he had always seen, where we ought to have stopped with America. This might serve as a warning how we let ourselves down, or lessened the dignity and consequence of Parliament, by bringing matters under its cognizance which were beneath its attention. He was therefore not a little anxious that an end were put to this kind of business, and that it were sufficiently understood on both sides of the water, that the English Parliament had come to some final resolution. It had been frequently imputed to him, that his opposition was rather to men than measures. He had wished to meet that idea, as he frankly confessed himself not endowed with such talents as were sufficiently calculated to distinguish between men and measures. Most people, of whom he was one, were very apt to judge of the actions by what they knew of the man. This business had been very
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fully discussed last year, and those most nearly interested had signified the most perfect and entire acquiescence in the determination of the British Legislature. Many circumstances conspired to fill them with confidence in those who then had the management of Government. He would declare openly, because he declared it from the fullest conviction of the fact, that there never was a Government in Ireland conducted on more upright and popular principles, than that conducted by his Grace the Duke of Portland. While he was there, the country was at least free from dissention and uproar. But now, since another Government had taken place, rumours of destruction were industriously circulated. The terms prescribed by Ireland, and acceded to by Britain, were all at once inadequate to the completion and satisfaction of her subjects. The wisest and ablest people on that side the water had been consulted; and the Ministers who were then in the Cabinet, acted on their information and ideas. The honour of these gentlemen had been hitherto deemed unimpeachable and unblemished, and yet here was a measure agitated which supposed a material miscarriage somewhere. And the address to the people of Ireland, was in words somewhat to this effect: "Your friends have not by any means done by you so liberally as we will. You think they had done you justice; but you are mistaken, and we will do what you imagined they did." This, he said, was making themselves popular at the expence of those who had gone before them, and, by doing more than was necessary, saying their predecessors had done less. It ever had, and was still, his confirmed opinion, that, by repealing the statute of the 6th of George I. every thing was amicably settled. It came up, at least, to all that he had ever conceived as incumbent on this country to Ireland. — The repeal was simple, but it was decisive. It would not have been proper to have said, in so many words, that whereas Ireland has been so long under the jurisdiction of this country, be it therefore henceforward declared independent. This was not language that would have been relished by the people of Ireland; nor on the part of Great Britain was it decent to say, that whereas she had usurped rights which were not her's, she therefore now, and for ever, restored them to their lawful owners. But by an actual repeal of that act of the Legislature by which such prerogatives had been assumed, she certainly, and to all intents and purposes, relinquished every shadow of jurisdiction and supremacy. The honourable gentleman was not, however, disposed to raise any opposition to the
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the motion whatever ; only he would protest against its drawing along with it any of the senses or constructions he had specified. It was chiefly for this reason, and with this view, he had made it the subject of so much remark. He agreed with Mr. Eden, that something ought to be done with Mr. Yelverton's bill, in order to settle the commercial points. And he concluded with wishing his Majesty's Ministers would not, in any other part of their conduct, render themselves more reprehensible than they had done in this.

Mr. Grenville rose to explain; as he suspected what had fallen from him might be misconstrued by the animadversions of the honourable gentleman, as if he had meant to throw any reflection on those gentlemen who at the time of formerly agitating this business, were at the head of the government of Ireland. Nothing could be further from his intentions, as he possessed the highest respect both for their honour and capacities. Neither did he conceive any thing uttered by him, in the most distant degree could be tortured into a mean opinion of those in Ireland, by whose information the repeal of the 6th of George I. had been deemed sufficient redress of grievances.

Mr. Eden rose to explain. He said, that Mr. Fox, in admitting the propriety of the settlement which he had suggested respecting commercial points, had greatly narrowed the idea which he meant to convey ; when he voted for the address on the 17th of May, he relied on a treaty being opened between the two Parliaments, for the purposes of arranging not only the points he had already specified, but all the great questions involved in the future events of peace and war, foreign alliances, commercial treaties, limitation of armies, building and support of navies, proportionable supplies, with the whole immense detail under each of those heads. He should then, and not till then, think that the connection was established ; and when the two kingdoms had thus realized and secured one constitution, one commerce, one King, one friend, one enemy, and one fate, it would become impossible for any man to wish the prosperity of the one country more ardently or more earnestly than the prosperity of the other.

The right honourable the Chancellor of the Exchequer did not rise, he observed, to reply to any objections which had been made against the motion, which had originated with his right honourable friend (Secretary Townshend) near him. There had in fact been none offered, at least of weight or importance enough to deserve a serious answer. Those who had discovered

vered any marks of aversion, however, had quarrelled with the title of the bill proposed, but in his apprehension rather prematurely; for the bill was not founded on doubts, or any other species of mistrust, but intended only to prevent them. He could not dispute the information or correctness of those who said there were no dissensions in Ireland; or, however, none so serious or alarming as to authorise the interference of the British Legislature; but he would say, that his information was of a very different nature, and led him to form very different conclusions. And whatever credit might be given to the former decisions of Parliament concerning the affairs of Ireland, it was plain to him these decisions had not operated so effectually and universally as was represented. The present measure he would therefore still beg leave to consider as arising out of the former, and even tending to complete it. A diffidence was undoubtedly gone forth, that had been naturally enough generated from what the people of Ireland conceived as imperfect; and his Majesty's Ministers wished only to follow up the idea, and conduct themselves by something like a system. He was accordingly not a little anxious for such an unanimity in the House as would give the motion a certain degree of weight and authority with the people of Ireland; and he then hoped, that notwithstanding what had been done by any former Administration, they should be enabled to go through the business with a manliness, and in a liberal and magnanimous manner, not only to the satisfaction of Ireland, but also to the honour of the British Parliament.

Mr. Percival.

The honourable Mr. *Percival* rose, and commented for a short time on writs of error coming from Ireland, and depending on the decisions of an English jury; but through the weakness of his voice, and the buzz of the House, we were deprived of the pleasure of hearing him so perfectly as we should have otherwise wished to have done.

Mr. Macdonald.

Mr. *Macdonald* said a few words. The House was so disorderly, it was impossible to take accurately what had dropped from this gentleman. We have only to say, therefore, that Mr. *Macdonald* desired to know if there could be any supposable case, wherein, after the passing of the intended bill, the Legislature of this country could exercise a jurisdiction over Ireland.

Mr. Sec. Townshend

Mr. Secretary *Townshend* said, there was none, that the idea was given up in all cases whatsoever.

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The motion being then put by the Speaker, it was ordered *nem. con.* and the right honourable T. Townshend, Mr. Greville, the Chancellor of the Exchequer, Mr. Conway, Mr. Attorney General, and the Lord Advocate were directed to prepare and bring in the same.

January 23.

The Earl of Surrey presented a petition to the House from the borough of Launceston, in the county of Cornwall. His Lordship said, that he ought to apologise for undertaking to present a petition from any part of a county with which he had no connection, in which he had no property, and consequently no personal interest; and perhaps he was the less excusable, as the borough from which the petition came had two representatives in the House; one of them, however, would do him the justice to say, that he had offered him the petition, and requested he would present it; but the honourable member [Mr. Percival] had declined it.

His Lordship stated, that he had received a letter from an inhabitant of Launceston, in which the writer complained that the great bulk of the wealthy householders were deprived of the benefits that electors in other places enjoyed: by this his Lordship presumed, that the writer meant the mere benefit of the franchise, and not the benefits of corruption; an idea that he flattered himself no man would presume to suggest to that House.

He then moved, that the petition might be brought up; the motion passed; and the petition was read, setting forth, that the borough of Launceston is an ancient borough, and has constantly, time out of mind, sent two members to Parliament; by the charter of Philip and Mary it was incorporated by the name of "Mayor and Commonalty," with a power to the said Mayor and Commonalty and eight Aldermen, or Mayor and majority of them, to elect freemen from the most honest, most discreet, and most respectable of the inhabitants, and from the freemen to make choice of eight men, or a Common Council, to be assistants to the said Mayor and Aldermen; that the first Mayor, Thomas Hicks, by and with the consent of the eight Aldermen, under the original charter, elected a number of freemen, and from the most honest, discreet, and respectable of those freemen, made choice of eight men, as a Common Council, or assistants, and, as often as a vacancy happened in the aldermanic body, supplied the same from the Common Council, keeping up

the number of freemen to preserve the independency of the borough ; and that the custom of supplying the upper bench from the lower; and keeping up the number of freemen, under the old charter, was observed for more than two centuries; that this custom prevailed in the years 1722 and 1734 will appear from the poll-books at the two contested elections which happened at those periods, at the first of which upwards of sixty freemen, exclusive of the Mayor, Aldermen, and Common Council, voted, at the second forty-four; and that from the above æra the body of Common Council lost its influence; as the aldermanic body was supplied sometimes from the Common Council, but more frequently from the freemen at large; that about twenty years ago the body of Common Council was annihilated, and within these fourteen years no freemen have been elected but partially, to supply the aldermanic body; that the present freemen are only ten, two of which at least are under the influence of the Mayor and Aldermen; that about twenty years ago the Mayor and Aldermen were men of very great property within the borough, as will appear from the land and poor rates; that the sum total of the latter amounts to 172l. 6s. 8d. to which the Mayor and Aldermen, as a body and individuals, contribute the sum of 22l. 4s. 4d. and the residue is discharged by the principal inhabitants and freeholders of the said borough. In consequence of these facts, and lest the Mayor and Aldermen should assume to themselves the sole right of returning members to Parliament, of which the petitioners are very apprehensive, from their frequent declarations, the principal inhabitants and freeholders of the said borough humbly petition the honourable the Commons of Great Britain to restore a more equal right of representation to the inhabitants of the said borough, and to extend that right in such a manner, that a few who have unjustly usurped the power may not exercise the natural and inherent privileges of the many, or to afford them such other relief as is consistent with the claims of their fellow citizens throughout the kingdom, or with the wisdom of the House.

The Earl of Surrey moved that the petition do lie on the table.

Hon. Mr.
Percival.

The Honourable Mr. *Percival* reprobated the spirit and tendency of the petition. He thought it altogether groundless, and originating in no very respectable motives. The censure conveyed against him on minute and deliberate consideration, he trusted, would be found premature, as he
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deemed the whole business exceedingly unnecessary and ill-timed.

Lord *Surrey* declared, that if the constitution was still to remain in its present situation, he should have no objection whatever to that noble Duke's sending up whoever he pleased; as in his opinion, the delegate of one noble family was just as good as the delegate of another. But his Lordship hoped, that this would no longer be the case, as they were not to look any where for the members of whom that House was composed, but to the great body of the people at large, and not, as was the mode now, to receive them from an aristocracy. Lord Surrey.

Mr. *Burke* observed, that though this petition concerned only a single borough, yet gentlemen would find themselves mistaken if they should imagine that it did not involve a question of the very last importance: this petition having opened the door, many others would follow of course; and therefore the question now was not, whether the right of voting in the borough of Launceston should be extended or not? but, whether the ancient and venerable fabric of the constitution should remain untouched? It had now borne the test of ages, and was venerable not less for its antiquity than for the happiness that had been enjoyed under it by the subjects. He would therefore warn Ministers how they should attempt to raise a cry against the constitution. If any member thought the representation of the people imperfect, he certainly had a right to say so, and propose any resolutions he pleased on that head; but still with the responsibility of credit and character. If Ministers in either House of Parliament should interfere, and take a lead in this business, he would warn them not to attempt to deface the venerable pile; he would warn them to come prepared with a well-digested plan for a better representation, before they should dare to touch the hallowed shrine; he hoped they would not bring any crude proposition, which would not answer any good end: for if it should be proposed to resolve that the constitution of that House was imperfect, and that it should be afterwards found expedient to adopt the system that should be proposed to better it, the consequence would be, that the House of Commons, the people's last hope, would find itself sunk in the estimation of the public, while no remedy could be found to avert this evil. He over and over again warned Ministers, either not to interfere in the business, or to draw up

up such a plan, as must strike every man as greatly worthy of being adopted by the legislature.

The petition was ordered to lie upon the table.

The order of the day was called for, for reading a second time the bill for restraining, &c. &c. Sir Thomas Rumbold, Bart. and Peter Perring, Esq. General Smith moved, that the petition from Peter Perring, Esq. which had been presented before the holidays, might be read. The prayer of this petition was, that his cause might be separated from that of Sir Thomas Rumbold. General Smith then declared, that he did not stand up the advocate of Mr. Perring; but he thought the prayer of his petition was so just; that it ought to be granted. He then moved instructions to be given to the counsel for the bill, to confine their evidence, for the present, to that part of the bill which concerned Sir Thomas Rumbold only. The motion passed without opposition.

General
Smith.

The counsel for and against the bill were then called to the bar. Mr. Bearcroft and Mr. Cowper appeared in support of the allegations in the bill; Mr. Hardinge and Mr. Erskine were counsel for Sir Thomas Rumbold; and Mr. Scott and Mr. Pigot for Mr. Perring. As soon as the counsel had taken their seats at the bar, the Speaker acquainted those who were to argue in favour of the bill with the order of the House, made in consequence of General Smith's last motion. Mr. Bearcroft then entered upon the charge; but as we never give the arguments of counsel, and as we would not wish to be instrumental in raising a bias in the minds of the public, we shall take no notice of what fell from the counsel, until the business shall come to be debated in the House.

Mr. Bearcroft spoke for near three hours; when he concluded, his colleague, Mr. Cowper, called his first witness in support of the charges contained in the bill; but the witness not appearing immediately, the further proceedings on the bill were adjourned to Tuesday next, and the House immediately adjourned.

January 24.

The Earl of Surrey brought up the report of the Committee appointed to examine into the Journals of the House, to see if there had been a precedent of relief granted to a petitioner for undue election, in order to extend the same to the
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the case of Samuel Petrie, Esq. according to the prayer of his petition, which stated, that he conceived himself entitled to the privileges of the House, he being duly elected for the borough of Cricklade, though the sitting member had been unduly returned; and therefore that the Sheriff of Middlesex, pending his petition, had been guilty of a breach of privilege, in arresting and detaining the body of the said Mr. Petrie in custody.

The Committee, however, in their report declare, that after a very minute investigation, they had not been able to procure a precedent assimilating in any degree to the instance in question; and state the only ones on the Journals relating in any degree to arrests on members of the House, and which precedents not having a similitude to the case of the petition, the Committee were of opinion, that Mr. Petrie, as petitioning member only, was not entitled to the privilege of the House.

The Earl of Surrey then desired that the several statutes respecting arrests, made in the present and the former reign, should be read, which being complied with,

Sir Grey Cooper rose, and in a very warm speech, combated the impropriety of allowing, in such cases as the present, the privilege of the House. Sir Grey, as a member of the Committee, had been more than commonly attentive to ransack the Journals, in order, if possible, to find a precedent either for or against the principle of the petition; but he had found, from the most attentive and accurate examination, that no case of the kind had hitherto occurred, when a person only petitioning had applied for the privileges of a sitting member. He was very anxious that a determinate and fixed rule should be marked, as he found no single case on the Journals resembling, in any degree, Mr. Petrie's petition. He found that gentleman had no claim whatever to the privileges of the House; none of these cases whatsoever, mentioned in the statutes, or the description of persons to whom the privileges extended, could possibly come to point to Mr. Petrie; and Sir Grey, from principle, was happy it was the case. There would be no end, he said, to petitions of that nature, if such a licence were indulged; it would operate worse even than insolvency, for ten might become candidates merely for the purpose of enjoying the benefit of being privileged from arrests, by preferring petitions upon no grounds or shadow of right whatsoever. In intervals of the pendency of the petitions, much mischief might be done to the circumstances of

of the industrious and the honest, by the machinations of the persons who would then have it in their power to plunder the community, under the sanction of a privilege that had, in fact, no other end in view than its benefit and good. Sir Grey instanced some cases where the impropriety would be great, and the tendency dangerous. Upon the whole, Sir Grey expressed his opinion, that relief in the present case was unprecedented, and his conviction, that the privilege of the House ought not to be extended to Mr. Petrie's petition.

On the bill for allowing the Heads of Colleges to marry, The Earl of Surrey said a few words. He wished the principle of this bill should be more liberal, and that the restraints intended to be abolished by it should be equally extended to the indiscriminate persons restrained, as to any particular description of them. At the same time that he would wish the spirits of the original grants of estates to the Universities should be attended to, according to the intentions of the granters, and that the power of dispensation in the Crown, according to the meaning of the University statutes, should be likewise attended to.

P E A C E.

Mr. Secretary Townshend.

Mr. Secretary *Townshend* rose in his place, and signified to the House, that the preliminaries of peace were at last signed between this country and France, as also between this country and Spain; and that though no preliminaries had been signed between this country and the United States of Holland, a cessation of hostilities was agreed upon. These preliminaries would be laid before the House with all convenient speed, as soon indeed as the dispatch of office would permit. The right honourable gentleman was unwilling to specify any day, as he could not do it with any degree of certainty. But he had no objections to suppose it might be Monday next, or thereabouts. He pledged himself, however, that the business should not meet with the least unnecessary delay.

T H E C A L L O F T H E H O U S E.

The Speaker then addressed himself to Mr. David Hartley, concerning his renewing his motion for a call of the House.

Mr. David Hartley.

Mr. *David Hartley* did not seem inclined to accede to the motion of a call of the House for this day. The notification

tion which a right honourable gentleman, high in office, had just made, rendered that object, at least for the present, unnecessary. It was no less, he said, than a declaration that this country had effected a respite from utter and absolute destruction. He would not mention an event of such a magnitude, in less passive terms; for in his opinion, no other terms came up to what they were given to understand from the highest authority, had now, happily for mankind, and particularly for this country, taken place. Mens minds would, therefore, very naturally be engrossed with the nature and consequences of this critical, but salutary completion of a negotiation to which the desires of so many had been long and anxiously directed. Had the right honourable gentleman been able to have told the House the precise day when the preliminaries would be laid before them, he should have been directed by the course of that business, in fixing the call of the House. He would, suppose, however, that a fortnight from the time he spoke would not be improper.

Mr. *Rolle* did not much approve trifling in this manner, with the rules of the House. He for his own part, made it a settled point, to pay all due attendance. And considering the business likely to engage the attention of Parliament, during what remained of the session, he thought it the duty of every member, to be as punctual as possible. But putting off a call of the House, when thus proposed, from time to time, could have no other tendency, than to lessen the respect due to the orders of the House. Mr. Rolle.

Lord *North* rose, and readily acknowledged the truth and propriety of the honourable gentleman's observations; but said, that the matter appeared to him in a quite different light. A right honourable gentleman, high in office, had notified to the House an event of the highest importance, and he conceived that this notification was of itself sufficient to secure the attendance of every member of the House; for though he might question what the honourable gentleman who made the motion had said, of a deliverance from absolute ruin and destruction; yet in any case, the event which had been notified to the House, was surely of such high consequence, and so deeply interested every member of this House, that the most regular attendance of every member and the most exact attention to every particular which might come before them, might certainly be expected. He could by no means agree with the honourable gentleman, Lord North

who made the motion in considering the situation of this country as utterly desperate. The situation of this country was far from being hopeless. Our resources were such, as still rendered us respectable, and he had no doubt but a great deal might still be done for the honour and interest of this country by proper exertions. But all circumstances considered, he believed it would be generally allowed, that a peace, upon decent terms, was to be desired. A glorious peace was not to be expected, after an unfortunate war. A glorious peace was not to be expected, when we had to struggle against such a powerful combination of enemies; but if upon examining the particulars, it should be found, that the peace was such as we might expect, our present situation considered, and the relative situations of our several antagonists considered: if the terms of peace should appear in these circumstances, advantageous to this country, it certainly would be allowed in general, to be a desirable object. But at any rate, it was a great and momentous concern, which could not fail to engage the attention of the House, and ensure the attendance of all the members.

Com. John-
stone.

Commodore *Johnstone* observed, that among all the different notices given by the several members, concerning the various business, which they meant to bring forward, he too would beg leave to mention a particular, which in his opinion, was of the very last importance to the dignity, and welfare of this country. He understood a learned Lord in his eye, [the Lord Advocate for Scotland,] had some very material objects, concerning the East Indies to bring on. He wished there might be no unnecessary delays; great alterations were expected from the abilities and enterprize of the right honourable person, chiefly concerned in managing the matter. No less than new governors, or new persons, it was apprehended, were to be sent out with new powers, for superceding their predecessors. Thus the whole system of India affairs was to undergo a new modulation or arrangement. He trusted it would not be delayed, as in other cases had sometimes happened, to the great detriment of the Company's affairs, till the season of the passage was gone. None but those acquainted with the localities of the Company's territories were aware of the disadvantage of deferring the dispatches of the Directors till Midsummer. It was by such a delay that Lord Clive had lost his passage. It was by such a delay that Lord Pigot lost his passage. Notwithstanding the solemn manner in which characters had been mentioned in that House the night before, he trusted there

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was no design forming against those of the East India Company, and that the procrastination of these matters was not intended only to procure time for such forgeries as might be deemed necessary for their destruction. He would therefore presume, the learned Lord, in whose capacity and industry he had the fullest confidence, would either say when he could be ripe for submitting his plan to the consideration of Parliament, or give the House the reason of its delay.

The *Lord Advocate* did not seem altogether pleased with the manner of the Commodore's making such a requisition. He was not, in any degree, principally concerned; he acted only as the servant of those gentlemen who composed the Select Committee. They were pleased to put the direction of the business in his hand; and while he acted by their authority, and to their satisfaction, he should never be ashamed to avow the execution of their orders. He was, therefore, not prepared to make any apology whatever for delaying this business, and for the best reason in the world, he was conscious of no delay. And when the magnitude, as well as the infinite importance of the object was duly examined, he persuaded himself the House would give him the fullest credit for making all the expedition he could.

The Lord
Advocate.

His Lordship did not pretend to say what the honourable gentleman meant by forgeries, or overturning charters. He did not doubt, but very material alterations would be proposed concerning the management of our Indian territories. It was certainly intended, that a new set of servants should be sent out with new powers, that the revenue of the Company should be new modelled, and a number of other regulations should take place, and especially that even the controlling power of the Proprietors over the Court of Directors should be annihilated.---These were the objects of the committee, and would require time to mature and digest.---But it was evident to an honourable gentleman before him, [Mr. Burke] that he never had any intention to postpone the business, especially as the military juridical, and other branches of the India affairs were, by his express desire, and as far as it was in his power, separated from the rest. He hoped however to be able to make his motion about the time proposed for a call of that House.

Mr. *Burke* was very anxious for the attention of the House a few minutes at least, to the East India business. The honourable gentleman, he said, behind him [Commodore Johnstone] had, in calling on the learned Lord for expediting the business in question, altogether mistaken the matter.

Mr. Burke.

The orders of the House rested with the committee, and that learned Lord acted in it only by their directions. The honourable gentleman cautioned him against delay, but he would venture to caution him against temerity. The complicated mass of materials before the Committee, it was necessary to assort and digest before any just conclusion could be formed with respect to those measures most proper and expedient to be adopted. An honourable gentleman on his right hand (General Smith) deserved the highest praise for his assiduity in wading through such a chaos with indefatigable perseverance; and it was a task equal to the greatest abilities. Certainly all the members of that Committee were not alike industrious; but the learned Lord and his honourable friend were sincerely vigilant and zealous in accomplishing the objects of the Committee. He did not condemn the anxiety of gentlemen for wishing the completion of a system, in which they might be very much interested; but the learned Lord, he trusted, would not, from a too great eagerness to oblige a few, precipitate a business of the most important consequences to the whole community.

Commodore Johnstone attempted to reply, but the Speaker interfered, and stated the necessity of keeping up some appearance of order, in such desultory conversations, and hoped the honourable gentleman had something to say, that would justify his rising again after a fair and explicit answer had been given to his demand.

Commodore
Johnstone.

Commodore *Johnstone* then said, he did not in the least wish to interfere with the orders of the House. He knew there must be order, and he wished not to disturb it. He had more regard to himself, and to the dignity of a Member of Parliament, than to obtrude himself, or ought he had to say, on the attention of the House, when they appeared unwilling to hear him. He was glad things were in such forwardness, but was sorry to hear, that chains were forging for the proprietary; it was a most comfortable indication of the learned Lord's not meddling with the charters of the Company, that he intended to destroy the supremacy of the Proprietors, over those of their own appointing.

General Smith said a few words.

January 27.

Mr. Secretary *Townsend* brought down the Preliminary Articles with France, the Preliminary Articles with Spain, and the Provisional Articles with America.

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They were laid upon the table, and ordered to be read by the Clerk.

The following are official copies of the same:

TRANSLATION

Of the Preliminary Articles of Peace, between His Britannic Majesty and the Most Christian King; signed at Versailles the 20th of January, 1783.

In the Name of the Most Holy Trinity.

THE King of Great Britain and the Most Christian King, equally animated with a desire of putting an end to the calamities of a destructive war, and of re-establishing union and good understanding between them, as necessary for the good of mankind in general, as for that of their respective kingdoms, states, and subjects, have named for this purpose, viz. on the part of his Britannic Majesty Mr. Alleyne Fitz-Herbert, Minister Plenipotentiary of his said Majesty the King of Great-Britain; and on the part of his Most Christian Majesty, Charles Gravier, Comte de Vergennes, Counsellor in all his Councils, Commander of his Orders, Counsellor of State, Minister and Secretary of State, and of the Commands and Finances of his said Majesty, for the department of Foreign Affairs; who, after having duly communicated to each other their full powers in good form, have agreed on the following Preliminary Articles:

ARTICLE I.

AS soon as the preliminaries shall be signed and ratified, sincere friendship shall be re-established between his Britannic Majesty and his Most Christian Majesty, their kingdoms, states, and subjects, by sea and by land, in all parts of the world. Orders shall be sent to the armies and squadrons, as well as to the subjects, of the two powers, to stop all hostilities, and to live in the most perfect union, forgetting what is passed, of which their Sovereigns give them the order and example. And, for the execution of this article, sea-passes shall be given on each side for the ships which shall be dispatched to carry the news of it to the possessions of the said

ARTICLE II.

His Majesty the King of Great-Britain shall preserve in full right the island of Newfoundland, and the adjacent islands, in the same manner as the whole was ceded to him by the thirteenth article of the treaty of Utrecht, save the exceptions which shall be stipulated by the fifth article of the present treaty.

ARTICLE III.

His Most Christian Majesty, in order to prevent quarrels, which have hitherto arisen between the two nations of England and France, renounces the right of fishing, which belongs to him by virtue of the said article of the treaty of Utrecht, from Cape Bonavista to Cape St. John, situated on the eastern coast of Newfoundland, in about fifty degrees of north latitude; whereby the French fishery shall commence at the said Cape St. John, shall go round by the north, and, going down the western coast of the island of Newfoundland, shall have for boundary the place called Cape Ray, situated in 47 degrees 50 minutes latitude.

ARTICLE IV.

The French fishermen shall enjoy the fishery assigned them by the foregoing article, as they have a right to enjoy it by virtue of the treaty of Utrecht.

ARTICLE V.

His Britannic Majesty will cede in full right to his Most Christian Majesty the islands of St. Pierre and Miquelon.

ARTICLE VI.

With regard to the right of fishing in the gulph of St. Laurence, the French shall continue to enjoy it conformably to the fifth article of the Treaty of Paris.

ARTICLE VII.

The King of Great Britain shall restore to France the island of St. Lucia, and shall cede and guarantee to her that of Tobago.

ARTICLE

ARTICLE VIII.

The Most Christian King shall restore to Great Britain the islands of Grenada and the Grenadines, St. Vincent, Dominica, St. Christopher's, Nevis, and Montserrat; and the fortresses of those islands conquered by the arms of Great Britain and by those of France, shall be restored in the same condition in which they were when the conquest of them was made, provided that the term of eighteen months, to be computed from the time of the ratification of the Definitive Treaty, shall be granted to the respective subjects of the Crowns of Great Britain and France, who may have settled in the said islands, and in other places which shall be restored by the Definitive Treaty, to sell their estates, recover their debts, and to transport their effects, and retire without being restrained, on account of their religion, or any other whatever, except in cases of debt or of criminal prosecutions.

ARTICLE IX.

The King of Great Britain shall cede and guarantee in full right to his Most Christian Majesty, the river of Senegal and its dependencies, with the forts of St. Louis, Podor, Galam, Arguin and Portendu. His Britannic Majesty shall restore likewise the island of Gorée, which shall be given up in the condition in which it was when the British arms took possession of it.

ARTICLE X.

The Most Christian King shall, on his side, guarantee to his Majesty the King of Great Britain the possession of Fort James, and of the river Gambia.

ARTICLE XI.

In order to prevent all discussions in that part of the world, the two Courts shall agree, either by the Definitive Treaty, or by a separate Act, upon the boundaries to be fixed to their respective possessions. The gum trade shall be carried on in future as the English and French nations carried it on before the year 1755.

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A R T I C L E XII.

In regard to the rest of the coasts of Africa, the subjects of both powers shall continue to frequent them, according to the custom which has prevailed hitherto.

A R T I C L E XIII.

The King of Great Britain shall restore to his Most Christian Majesty all the establishments which belonged to him at the commencement of the present war on the coast of Orixa, and in Bengal, with liberty to surround Chander-nagor with a ditch for draining the waters; and his Britannic Majesty engages to take such measures as may be in his power for securing to the subjects of France in that part of India, as also on the coast of Orixa, Coromandel, and Malabar, a safe, free, and independent trade, such as was carried on by the late French East-India Company, whether it be carried on by them as individuals or as a company.

A R T I C L E XIV.

Pondicherry, as well as Karical, shall likewise be restored, and guaranteed to France; and his Britannic Majesty shall procure, to serve as a dependency round Pondicherry, the two districts of Valanour and Bahour; and as a dependency round Karical, the four contiguous Magans.

A R T I C L E XV.

France shall again enter into possession of Mahé, and of the comptoir at Surat; and the French shall carry on commerce in this part of India conformably to the principles laid down in the thirteenth article of this Treaty.

A R T I C L E XVI.

In case France has allies in India, they shall be invited, as well as those of Great Britain, to accede to the present pacification; and for that purpose, a term of four months, to be computed from the day on which the proposal shall be made to them, shall be allowed them to make their decision; and in case of a refusal on their part, their Britannic and Most Christian Majesties agree not to give them any assistance,

assistance, directly or indirectly, against the British or French possessions, or against the ancient possessions of their respective Allies; and their said Majesties shall offer them their good offices towards a mutual accommodation.

A R T I C L E XVII.

The King of Great Britain, desirous of giving his Most Christian Majesty a sincere proof of reconciliation and friendship, and of contributing to the solidity of the peace which is on the point of being re-established, will consent to the abrogation and suppression of all the articles relative to Dunkirk, from the treaty of peace concluded at Utrecht in 1713, inclusively to this time.

A R T I C L E XVIII.

By the Definitive Treaty, all those which have existed till now between the two High Contracting Parties, and which shall not have been derogated from either by the said Treaty, or by the present Preliminary Treaty, shall be renewed and confirmed; and the two Courts shall name Commissioners to inquire into the state of commerce between the two nations, in order to agree upon new arrangements of trade, on the footing of reciprocity and mutual convenience. The said two Courts shall together amicably fix a competent term for the duration of that business.

A R T I C L E XIX.

All the countries and territories which may have been, or which may be, conquered in any part of the world whatsoever, by the arms of his Britannic Majesty, or by those of his Most Christian Majesty, and which are not included in the present articles, shall be restored without difficulty, and without requiring compensation.

A R T I C L E XX.

As it is necessary to assign a fixed epoch for the restitutions and evacuations to be made by each of the High Contracting Parties, it is agreed, that the King of Great Britain shall cause to be evacuated the islands of St. Pierre and Miquelon

three months after the ratification of the Definitive Treaty, or sooner if it can be done; St. Lucia in the West Indies, and Gorce in Africa, three months after the ratification of the Definitive Treaty, or sooner if it can be done. The King of Great Britain shall, in like manner, at the end of three months after the ratification of the Definitive Treaty, or sooner if it can be done, enter again into possession of the islands of Grenada, the Grenadines, St. Vincent, Dominica, St. Christopher's, Nevis, and Montserrat.

France shall be put into possession of the towns and compoits, which are restored to her in the East Indies, and of the territories which are procured for her, to serve as dependencies round Pondicherry, and round Karical, six months after the ratification of the Definitive Treaty, or sooner if it can be done.

France shall at the end of the same term of six months restore the towns and territories which her arms may have taken from the English or their Allies in the East Indies.

In consequence whereof, the necessary orders shall be sent by each of the High Contracting Parties, with reciprocal passports for the ships which shall carry them, immediately after the ratification of the Definitive Treaty.

A R T I C L E XXI.

The prisoners made respectively by the arms of his Britannic Majesty, and his Most Christian Majesty, by land and by sea, shall be restored reciprocally, and *bona fide*, immediately after the ratification of the Definitive Treaty, without ransom, and on paying the debts they may have contracted during their captivity; and each Crown shall respectively reimburse the sums which shall have been advanced for the subsistence and maintenance of their prisoners, by the Sovereign of the country where they shall have been detained, according to the receipts and attested accounts, and other authentic titles which shall be produced on each side.

A R T I C L E XXII.

In order to prevent all causes of complaint and dispute which may arise on account of prizes which may be made at sea after the signing of these Preliminary Articles, it is reciprocally agreed, that the vessels and effects which may be taken in the Channel and in the North Seas after the space of
twelve

twelve days, to be computed from the ratification of the present Preliminary Articles, shall be restored on each side. That the term shall be one month from the Channel and North Seas, as far as the Canary Islands, inclusively, whether in the Ocean or in the Mediterranean. Two months from the said Canary Islands, as far as the Equinoctial line or Equator; and lastly, five months in all other parts of the world, without any exception, or any more particular description of time and place.

A R T I C L E XXIII.

The ratification of the present Preliminary Articles shall be expedited in good and due form, and exchanged in the space of one month, or sooner if it can be done, to be computed from the day of the signature of the present articles.

In witness whereof, we, the underwritten Ministers Plenipotentiary of his Britannic Majesty, and of his Most Christian Majesty, by virtue of our respective full powers, have signed the present Preliminary Articles, and have caused the seal of our arms to be put thereto.

Done at Versailles the 20th day of January, 1783.

(L. S.)

ALLEYNE FITZ-HERBERT.

(L. S.)

GRAVIER DE VERGENNES.

TRANSLATION

Of the Preliminaries Articles of Peace between His Britannic Majesty, and the Most Catholic King; signed at Versailles, the 20th of January, 1783.

In the Name of the Most Holy Trinity.

THE King of Great Britain and the King of Spain, equally animated with a desire of putting an end to the calamities of a destructive war, and of re-establishing union and good understanding between them, as necessary for the good of mankind in general, as for that of their respective kingdoms, states, and subjects, have named for this purpose, viz. on the part of his Majesty the King of Great Britain, Mr. Alleyne Fitz-Herbert, Minister Plenipotentiary of his said Majesty; and on the part of his Majesty the King of Spain, Don Peter Paul Abarea de Bolea Ximines d'Urnea, &c. Count of Aranda and Castell Florido, Marquis of Torres, of Villanar, and Rupit, Viscount of Rueda and Yoch, Baron of the Baronies of Gavin, Sietano, Clamofa, Enipol, Trazmoz, La Mata de Castil, Viego, Antillon, La Almolda, Cortes, Jorva, St. Genis, Robovillet; Oreau, and St. Colome de Farne's, Lord of the Tenance, and Honour of Alcalaten, the Valley of Rodellar, the Castles and Towns of Maella, Mesones, Tiurana, de Villaplana, Taradele, and Viladran, &c. Rico Hombre in Aragon, by Birth, Grandee of Spain of the first Class, Knight of the Order of the Golden Fleece, and of that of the Holy Ghost, Gentleman of the King's Bed-chamber in Employment, Captain-general of his Armies, and his Ambassador to His Most Christian Majesty; who, after having duly communicated to each other their full powers in good form, have agreed on the following Preliminary Articles:

ARTICLE I.

AS soon as the Preliminaries shall be signed and ratified, sincere friendship shall be re-established between his Britannic Majesty and his Catholic Majesty, their kingdoms, states and subjects, by sea and by land, in all parts of the world. Orders shall be sent to the armies and squadrons, as well as to the subjects of the two powers, to stop all hostilities, and to live in the most perfect union, forgetting what has passed, of which

which their Sovereigns give them the order and example; and for the execution of which article, sea-passes shall be given on each side for the ships which shall be dispatched to carry the news of it to the possessions of the said powers.

A R T I C L E II.

His Catholic Majesty shall keep the island of Minorca.

A R T I C L E III.

His Britannic Majesty shall cede to his Catholic Majesty East Florida, and his Catholic Majesty shall keep West Florida, provided that the term of eighteen months, to be computed from the time of the ratification of the Definitive Treaty, shall be granted to the subjects of his Britannic Majesty who are settled as well in the island of Minorca as in the two Floridas, to sell their estates, recover their debts, and to transport their effects, as well as their persons, without being restrained on account of their religion; or under any other pretence whatsoever, except that of debts and criminal prosecutions; and his Britannic Majesty shall have power to cause all the effects that may belong to him in East Florida, whether artillery or others, to be carried away.

A R T I C L E IV.

His Catholic Majesty shall not, for the future, suffer the subjects of his Britannic Majesty, or their workmen, to be disturbed or molested, under any pretence whatsoever, in their occupation of cutting, loading, and carrying away logwood, in a district of which the boundaries shall be fixed, and for this purpose they may build without hindrance, and occupy without interruption, the houses and magazines necessary for them, for their families, and for their effects, in a place to be agreed upon, either in the Definitive Treaty, or within six months after the exchange of the ratifications; and his said Catholic Majesty assures to them, by this article, the entire enjoyment of what is above stipulated; provided that these stipulations shall not be considered as derogatory in any respect from the rights of his sovereignty.

ARTICLE V.

His Catholic Majesty shall restore to Great Britain, the islands of Providence and the Bahamas, without exception in the same condition in which they were when they were conquered by the arms of the King of Spain.

ARTICLE VI.

All the countries and territories which may have been, or may be conquered in any part of the world whatsoever, by the arms of his Britannic Majesty, or by those of his Catholic Majesty, and which are not included in the present articles, shall be restored without difficulty, and without requiring compensations.

ARTICLE VII.

By the Definitive Treaty, all those which have existed till now between the two High Contracting Parties, and which shall not be derogated from either by the said Treaty, or by the present Preliminary Treaty, shall be renewed and confirmed; and the two Courts shall name Commissioners to enquire into the state of commerce between the two nations, in order to agree upon new arrangements of trade, on the footing of reciprocity and mutual convenience; and the two said Courts shall together, amicably fix a competent term for the duration of that business.

ARTICLE VIII.

As it is necessary to assign a fixed epoch for the restitutions and evacuations to be made by each of the High Contracting Parties, it is agreed, That the King of Great Britain shall cause East Florida to be evacuated three months after the ratification of the Definitive Treaty, or sooner if it can be done.

The King of Great Britain shall likewise enter again into possession of the Bahama islands, without exception, in the space of three months after the ratification of the Definitive Treaty.

In consequence whereof the necessary orders shall be sent by each of the High Contracting Parties, with reciprocal passports for the ships, which shall carry them immediately after the ratification of the Definitive Treaty.

A R T I C L E IX.

The prisoners made respectively by the arms of his Britannic Majesty and his Catholic Majesty, by sea and by land, shall, immediately after the ratification of the Definitive Treaty, be reciprocally and *bona fide* restored without ransom, and on paying the debts they may have contracted during their captivity; and each crown shall respectively reimburse the sums which shall have been advanced for the subsistence and maintenance of their prisoners by the sovereign of the country where they shall have been detained, according to the receipts and attested accounts, and other authentic titles which shall be produced on each side.

A R T I C L E X.

In order to prevent all causes of complaint and dispute, which may arise on account of prizes which may be made at sea after the signing of these Preliminary Articles, it is reciprocally agreed that the ships and effects which may be taken in the Channel, or in the North Seas, after the space of twelve days, to be computed from the ratification of the present Preliminary Articles, shall be restored on each side.

That the term shall be one month from the Channel, and the North Seas as far as the Canary islands inclusively, whether in the Ocean or the Mediterranean. Two months from the said Canary islands as far as the Equinoctial line, or Equator; and, lastly, five months in all parts of the world without exception, or other more description of time and place.

A R T I C L E XI.

The ratifications of the present Preliminary Articles shall be expedited in good and due form, and exchanged in the space of one month, or sooner if it can be done, to be computed from the day of the signature of the present articles.

In witness whereof, we, the under-written Ministers Plenipotentiary of his Britannic Majesty and of his Catholic Majesty, by virtue of our respective powers, have agreed upon, and signed these Preliminary Articles, and have caused the seal of our arms to be put thereto.

Done at Versailles the 20th day of January 1783.

(L. S.)

ALLEYNE FITZ-HERBERT,

(L. S.)

LE COMTE D'ARANDA.

ARTICLES

Agreed upon by and between Richard Oswald, esq. the Commissioner of his Britannic Majesty for treating of peace with the Commissioners of the United States of America, in behalf of his said Majesty, on the one part, and John Adams, Benjamin Franklin, John Jay, and Henry Laurens, four of the Commissioners of the said States for treating of Peace with the Commissioner of his said Majesty, on their behalf, on the other part; to be inserted in and to constitute the Treaty of Peace proposed to be concluded between the Crown of Great-Britain and the said United States; but which Treaty is not to be concluded until terms of a Peace shall be agreed upon between Great-Britain and France; and his Britannic Majesty shall be ready to conclude such Treaty accordingly.

WHEREAS reciprocal advantages and mutual convenience are found by experience to form the only permanent foundation of peace and friendship between States, it is agreed to form the articles of the proposed treaty on such principles of liberal equity and reciprocity, as that partial advantages, those seeds of discord, being excluded, such a beneficial and satisfactory intercourse between the two countries may be established as to promise and secure to both perpetual peace and harmony.

ARTICLE I.

His Britannic Majesty acknowledges the said, United States, viz. New Hampshire, Massachusetts Bay, Rhode Island, and Providence Plantations, Connecticut, New-York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, to be Free, Sovereign, and Independent States; that he treats with them as such; and for himself, his heirs, and successors, relinquishes all claim to the government, propriety, and territorial rights of the same, and every part thereof: and that all disputes which might arise in future, on the subject of the boundaries of the said United States, may be prevented, it is hereby agreed and declared that the following are and shall be their boundaries, viz.

ARTICLE II.

From the north-west angle of Nova Scotia, viz. that angle which is formed by a line drawn due north from the
source

source of St. Croix River to the Highlands : along the said islands, which divide those rivers that empty themselves into the River St. Laurence from those which fall into the Atlantic Ocean, to the north-westernmost head of Connecticut River, thence down along the middle of that river to the forty-fifth degree of north latitude, from thence by a line due west on said latitude, until it strikes the river Iroquois or Cataraguy ; thence along the middle of said river into Lake Ontario, through the middle of said lake, until it strikes the communication by water between that lake and Lake Erie ; thence along the middle of said communication into Lake Erie, through the middle of said lake until it arrives at the water communication between that lake and Lake Huron ; thence along the middle of said water communication into the Lake Huron ; thence through the middle of said lake to the water communication between that lake and Lake Superior ; thence through Lake Superior, northward of the Isles Royal and Phelipeaux, to the Long Lake, thence through the middle of said Long Lake, and the water communication between it and the Lake of the Woods, to the said Lake of the Woods ; thence through the said lake to the most north-western point thereof, and from thence on a due west course to the River Mississippi ; thence by a line to be drawn along the middle of the said River Mississippi, until it shall intersect the northernmost part of the thirty-first degree of north latitude. South, by a line to be drawn due east from the determination of the line last mentioned, in the latitude of thirty-one degrees north of the Equator, to the middle of the River Apalachicola, or Catahouche ; thence along the middle thereof to its junction with the Flint River ; thence strait to the head of St. Mary's River ; and thence down along the middle of St. Mary's River to the Atlantic Ocean. East, by a line to be drawn along the middle of the River St. Croix, from its mouth in the Bay of Fundy to its source, and from its source directly north to the aforesaid highlands, which divide the rivers that fall into the Atlantic Ocean, from those which fall into the river St. Laurence ; comprehending all islands within twenty leagues of any part of the shores of the United States, and lying between lines to be drawn due east from the points where the aforesaid boundaries, between Nova Scotia on the one part, and East Florida on the other, shall respectively touch the Bay of Fundy and the Atlantic Ocean ; excepting such

islands as now are, or heretofore have been, within the limits of the said province of Nova Scotia,

ARTICLE III.

It is agreed that the people of the United States shall continue to enjoy unmolested the right to take fish of every kind on the Grand Bank, and on all the other Banks of Newfoundland; also in the Gulph of St. Lawrence, and at all other places in the sea, where the inhabitants of both countries used at any time heretofore to fish; and also that the inhabitants of the United States shall have liberty to take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use (but not to dry or cure the same on that island) and also on the coasts, bays, and creeks, of all other of his Britannic Majesty's dominions in America; and that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbours, and creeks, of Nova Scotia, Magdalen Islands, and Labrador, so long as the same shall remain unsettled; but so soon as the same or either of them shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlement, without a previous agreement for that purpose with the inhabitants, proprietors, or possessors of the ground.

ARTICLE IV.

It is agreed, that creditors on either side shall meet with no lawful impediment to the recovery of their full value in sterling money of all *bona fide* debts heretofore contracted.

ARTICLE V.

It is agreed, that the Congress shall earnestly recommend it to the legislatures of the respective States, to provide for the restitution of all estates, rights, and properties, which have been confiscated, belonging to real British subjects, and also of the estates, rights, and properties of persons resident in districts, in the possession of his Majesty's arms, and who have not borne arms against the said United States. And that persons of any other description shall have free liberty to go to any part or parts of any of the Thirteen United States, and therein to remain twelve months unmolested in their endeavours to obtain the restitution of such of their estates,

estates, rights, and properties, as may have been confiscated; and that Congress shall also earnestly recommend to the several States a reconsideration and revision of all acts or laws regarding the premises, so as to render the said laws or acts perfectly consistent, not only with justice and equity, but with that spirit of conciliation, which on the return of the blessings of peace should universally prevail. And that Congress shall also earnestly recommend to the several States, that the estates, rights, and properties, of the last-mentioned persons shall be restored to them; they refunding to any persons who may be now in possession the *bona fide* price (where any has been given) which such persons may have paid on purchasing any of the said lands or properties since the confiscation.

And it is agreed, that all persons who have any interest in confiscated lands, either by debts, marriage settlements, or otherwise, shall meet with no lawful impediment in the prosecution of their just rights.

A R T I C L E VI.

That there shall be no future confiscations made, nor any prosecutions commenced against any person or persons for or by reason of the part which he or they may have taken in the present war; and that no person shall, on that account, suffer any future loss or damage, either in his person, liberty, or property; and that those who may be in confinement on such charges, at the time of the ratification of the Treaty in America, shall be immediately set at liberty, and the prosecutions so commenced be discontinued.

A R T I C L E VII.

There shall be a firm and perpetual peace between his Britannic Majesty and the said States, and between the subjects of the one and the citizens of the other, wherefore all hostilities both by sea and land shall then immediately cease: all prisoners on both sides shall be set at liberty, and his Britannic Majesty shall, with all convenient speed, and without causing any destruction, or carrying away any negroes, or other property of the American inhabitants, withdraw all his armies, garrisons, and fleets from the said United States, and from every port, place, and harbour within the same; leaving in all fortifications the American artillery that may be therein:

therein : and shall also order, and cause all archives, records, deeds, and papers, belonging to any of the said States, or their citizens, which in the course of the war may have fallen into the hands of his officers, to be forthwith restored and delivered to the proper States and persons to whom they belong.

ARTICLE VIII.

The navigation of the Mississippi, from its source to the Ocean, shall for ever remain free and open to the subjects of Great Britain and the citizens of the United States.

ARTICLE IX.

In case it should so happen, that any place or territory belonging to Great Britain, or to the United States, should be conquered by the arms of either from the other, before the arrival of these articles in America, it is agreed, that the same shall be restored without difficulty, and without requiring any compensation.

Done at Paris, the thirtieth day of November, in the year one thousand seven hundred and eighty-two.

(L. S.)
(L. S.)
(L. S.)
(L. S.)
(L. S.)

RICHARD OSWALD.
JOHN ADAMS.
B. FRANKLIN.
JOHN JAY.
HENRY LAURENS.

Witness,

CALEB WHITEFORD,
Secretary to the British Commission.

W. S. FRANKLIN,
Secretary to the American Commission.

When the papers had been all read, Mr. Townshend moved, that they might lie upon the table for the inspection of the members. This motion passed without any opposition.

Lord *Newhaven* then rose, and said, that as the public was so deeply concerned and interested in the articles that had been read, it was but just that they should be fully apprised of their contents; for it was not sufficient that the members of that House should have read them; it was necessary that the people at large should have an opportunity of weighing and discussing every article, before the House should be called upon to give a definitive opinion on them; he therefore moved, that the articles be printed. Lord Newhaven.

Mr. *Secretary Townshend* said, that a motion of this nature was unusual; nay it was without precedent: there was a delicacy in foreign courts in matters of treaties, which was not felt in our government; however, Parliament in deference to this delicacy, had always refrained from printing treaties, especially those which were preliminary only, and not definitive. Mr. Secretary Townshend.

Mr. *Eden* rose merely to express the feelings which the fifth article of the Provisional Treaty (relative to the Loyalists) had excited in his breast: he was shocked to find, that no provision whatever was made for the unfortunate adherents to the unfortunate cause of Britain: the situation of these gentlemen was truly deplorable: it was well known, that thousands of them had quitted Charles-town, and had failed, some for St. Augustine, some for New-York; but what was the news that they were to hear there? Why, that the one was to be ceded to Spain, the other to America; and that no stipulation had been made in their favour; a treaty in which these men were abandoned, who had abandoned every thing for us, was of a melancholy nature indeed; and he trusted that his Majesty's Ministers were doing every thing in their power, and would continue so to do, until they should have procured some establishment for these unfortunate gentlemen. Mr. Eden was proceeding, when he was called to order by Mr. Eden;

Mr. *Dempster*, who said, that whether the treaty was a good or bad one, was not now the question; the motion before the House was, that the papers which had been read, should be printed; the honourable member ought therefore to confine himself solely to the subject matter of that motion. Mr. Dempster.

Mr. *Eden* replied, that he did not, by any means, intend to bring on then a discussion of the treaties; he meant simply Mr. Eden;

to express his hope and confidence that Ministers were busied in settling and stipulating something for the Loyalists, who had so strong a claim on the honour and gratitude of this country.

Commodore Johnstone.

Commodore *Johnstone* was by no means satisfied with the reasons alleged by Mr. Secretary Townshend, for not printing the articles: they were of the last importance to the public; the Ministers had presumed to give away America; and were not the public to be made fully acquainted with the grounds of so great a transaction? The right honourable member had mentioned the delicacy of foreign courts; but he was afraid that the delicacy of Ministers was much more deeply concerned, and that they were not without their reasons for wishing to keep from the public eye so singular a treaty. The right honourable member said, the printing of treaties was unprecedented: to this he would reply, that the giving away of so great a part of an empire as America was without a precedent in the annals of the world. It was ridiculous to talk of forms in the present case; every member of Parliament had a right to send for a copy of the articles, and afterwards to print them: would it not be much better that they should be printed by order of the House.

Mr. Chancellor Pitt.

Mr. *Chancellor Pitt* rose with some warmth; he was surprised that the honourable member should suppose that Ministers had any desire, or any reason for desiring, that the articles should be kept back from the knowledge of the people: It was their wish that they should be weighed, digested, canvassed as much as possible; and to the merit only of the articles they trusted for the support of Parliament. The characters of Ministers were such as should shield them from any imputation of having done any thing in the framing of the articles, that they should be afraid to submit to the eye of the public. As to the question immediately before the House, he had consulted the Journals, and he was not able to find, that in any instance the House had ordered the Preliminary Articles of a Treaty to be printed; and as the House on former occasions had refrained from doing any such thing, he thought it would be proper to adopt the same line of conduct on the present occasion.

Mr. Fox.

Mr. *Fox* said, it had been his intention not to have said a word on the present occasion; but he really could not avoid making a few observations on what had been said by the right honourable member who had just sat down: The right honourable member had been pleased to take offence at what had been

been said by another member near him, [Commodore Johnstone] relative to the Treaty of Peace : now though it was well known, that the right honourable member did not differ more from the honourable member in politics than he [Mr. Fox] did ; yet, on this occasion, he must contend, that the honourable member, who had all along, for years past, expressed his sentiments hostile to the idea of American independence, was not at all to blame for expressing his indignation at an article, which secured that very independence ; and though he himself [Mr. Fox] felt no indignation whatever against that article, yet he must insist, that it was not indecent or unbecoming in the honourable member to express on such an occasion, the indignation that he felt : Liberty of speech was the privilege of a member of that House ; and if he was to be represented as having said or done something improper, merely for having exercised this right, he might just as well not have the privilege at all.

Mr. *Chancellor Pitt* interrupted Mr. Fox ; he rose merely to explain : He said, he had not taken any offence at what the honourable member had said against the peace ; he was hurt only at the suggestion of the honourable member, that Ministers were unwilling to publish the articles, because there was something in them that they wished to keep from the knowledge of the public.

Mr. Chancellor Pitt.

Mr. *Fox* continued : he observed, that many things were unusual in former periods, which were now come greatly into use ; such as printing the estimates of the army extraordinaries, which had never been printed, till within the four last years : why not treaties of peace be also printed ? Every gentleman in the House knew, that the articles which had just been read, would, even without the authority of the House, find their way into the newspapers, or some pamphlet ; and there would be this difference between such a publication, and that which should be made by order of the House, that the former would contain many inaccuracies ; the latter none : would gentlemen therefore rather have a mutilated or inaccurate publication of so important a matter, than a perfect and accurate one ? — He must differ, however, from the honourable member, when he said a member had a right to send for a copy, and afterwards cause it to be printed ; the fact was, that every member had a right to send for a copy of any paper that had been laid before the House ; but it would be a high breach of privilege in any member to cause it to be printed without the leave of the House. The right honourable

able member had got a habit of appealing to the characters of his colleagues in office, in order to make the House entertain a favourable opinion of their conduct on the present occasion; such an appeal, he believed, would be of little service to the right honourable gentleman; for it was well known that two of his Majesty's Ministers, of high rank and character, disapproved of the peace; and therefore he must go so far as to say, that the present articles came to the House under no very favourable, on the contrary, under very suspicious appearances.

Mr. Secretary Townshend.

Mr. *Secretary Townshend* wished Lord Newhaven would withdraw his motion; though he certainly did not mean to divide the House with him; because he wished for unanimity, as far at least as it was possible, in any question that related to the peace.

Lord Newhaven.

Lord *Newhaven* said, that he did not make the motion, till he had maturely weighed it in his own mind; and having made it with deliberation, he would not hastily withdraw it.

Mr. Alderman Wilkes

Mr. *Alderman Wilkes* said, he believed he could cut the matter short, by informing them, that copies of the articles had been also laid before the House of Lords; and that their lordships had already ordered them to be printed. This raised a great laugh; the Ministers gave up the point; the question was put and carried without a division, and the House adjourned immediately.

January 28.

After the order of the day for hearing council on the Bill of Pains and Penalties against Sir Thomas Rumbold, and Peter Perring, Esq. was moved for,

Sir Thomas Rumbold.

Sir *Thomas Rumbold* rose, and begged the attention of the House for a few moments, while he mentioned to them, that several reports had gone abroad, very much to his prejudice, that he had nothing to fear from them within those walls, because he knew the candour and good sense of the House too well, to imagine them capable of being influenced by such idle reports: but on the other hand, if he was to let them pass unnoticed, the public would suppose there were some grounds for them: he should therefore observe on one particular that had been frequently spoke of without doors, which was, that he had not given in the inventories. He had delivered in to both Houses of Parliament, a full account of Lady Rumbold's jewels. He confessed he did not specifically mention

mention them, but that he did in consequence of what had dropped from a learned Lord on a former day, who seemed to think it would be rather indelicate to particularise so minutely matters of the sort ; but, so far from his concealing any part of his property under this mask, that he could most solemnly assure the House, that Lady Rumbold had not since her marriage 500*l.* or to speak in the amplest manner, 1000*l.* worth of jewels added to what she had before possessed. He did not desire gentlemen to depend merely on his assertion, but he earnestly called on them, and entreated them to sift the matter to the bottom. He was ready to answer any interrogatories they might put to him, which he hoped and trusted they would, as he had more to dread from suspicion than from any facts which could be proved against him.

Mr. *David Hartley* said, he did not observe any of the Ministry in their places, yet notwithstanding he thought what he had to observe was of such moment as not to be procrastinated on that account. He had considered the Preliminary Articles with France and Spain, and the Provisional Treaty with the United States of America ; and that by the former no French or Spanish ships could be captured in the narrow seas by us, twelve days after the ratification of the articles, but that American vessels might be taken at any time before the treaty with them was finally concluded. This was what he wished to be explained to him by gentlemen in office, and that they might set him right, if his construction of the articles was wrong ; if otherwise, he conceived it highly becoming Administration to adopt the same period for the cessation of hostilities with America that they have with the other powers. It would be requisite also to repeal the act which passed in 1776, restraining the trade with America ; he therefore gave notice, that on to-morrow he would make a motion for that purpose.

Mr. David
Hartley.

Mr. *Burke* coincided with the last honourable speaker, on the necessity, not only of repealing the restraining act, but also all those acts which related to the trade of America with this country, particularly that the Navigation Act should be fully revised, and a proper and well digested system of trade laid before the House for their consideration : but this he was sorry to find Ministry had not paid the smallest attention to ; for if they had, we should have seen them, at the same time they left on our table the Provisional Treaty, also lay down some plan or regulations for the future commerce of this kingdom

Mr. Burke.

kingdom with America; for as the law stands now, was there a final peace with the United States this instant, we could not trade but only to particular parts of America; so that it was giving a power to Government to let particular people monopolize this trade, and carry on a most lucrative traffic to the exclusion of others,

Mr. Chancellor Pitt.

Mr. *Chancellor Pitt* regretted his not being present when the debate began, as he did not know the full extent of the question before them: but as far as he could collect from what he heard the last honourable gentleman say, he perceived that Administration was charged with omitting to bring before the House a proper, mature, and well digested commercial system. Now he considered it rather unfair in the honourable gentleman to condemn his Majesty's servants unheard. From what source he had drawn his information that Government had not maturely weighed and paid the strictest attention to the commerce of this country, he could not tell; but this he would say, that he and his colleagues in office had been indefatigable in considering and digesting a great and extensive system of trade between this nation and the other powers. It was not a paltry regulation that would now suffice; a revolution, perhaps unknown in any former age, had taken place, and would of course materially change the commercial interests of all Europe. Besides, it would be no great proof of wisdom in Ministers, to have prepared ready for the inspection of the House a system, till they first saw the terms on which peace was to be concluded; for before that period it was totally impossible for them to judge how far our trade might be affected. Surely then there can be no criminality in the conduct of Administration in this instance. Had the honourable gentleman but reflected for a moment, he would never have accused Administration of negligence and inattention. Let him but turn his eye to those papers which were laid on the table yesterday, and he must be convinced of his mistake. Did it require no time, no care, no industry, to accomplish so desirable an object as peace? But even that, great and important as it is, was not the sole business which engrossed the time of Ministry; they had a variety of other objects to look to, and which, in due season will be brought before the House, when they can determine with what propriety this charge has been made against them.

Mr. Burke.

Mr. *Burke* replied. He said, that as the right honourable member had been bred to a profession, the law, to which he cer-

certainly would have been an ornament, and from which he had been taken, only that he might be an ornament to the state, he ought to have known that to make a charge, and to give judgment, were in law two very distinct things: the charge necessarily preceded defence, as defence preceded judgment; when therefore he said, that Ministers were criminal for not having a code ready to lay before the House, the right honourable member ought not to have called this a condemnation of Ministers unheard; in fact, this was merely a charge, but not a condemnation. He then went into a variety of other observations; asserting at the same time, that if the present commercial system was not speedily altered, there would be a foundation for the most infamous commercial jobs, by the opportunity there would be of allowing a trade between Canada or Nova Scotia and the United Colonies, while the inhabitants of Great Britain were prevented by law from trading to the ports of the United States.

Mr. *Eden* wished that Ministers might not be precipitate on this head: the late revolution in the British empire, unprecedented in the annals of any other empire that ever existed, had created a necessity of a revolution in the commercial system, in our naturalization laws, and the laws of inheritance, &c. it would require therefore much time and deliberation to digest such a system as would answer every desirable purpose; and unless they had a mind to separate that country for ever from Great Britain, Ireland must go hand in hand with England in all the commercial regulations to be made with America.

Mr. *T. Townshend*, in order to ease the mind of Mr. Hartley, on the subject of the hostilities that he imagined must continue with America, after they should have ceased with France, Spain, and Holland, informed the House, and the honourable gentleman, that a cessation of hostilities between England and the United States of America had actually taken place. This conversation terminated here.

The *Speaker* then informed the House of a breach of their privileges, which he conceived it to be his duty to communicate to them. He said, that he had received a letter from a new correspondent, Mr. W. Woodfall, printer of a morning paper, in which he alluded to a letter which he said he had received from the Speaker, but which the Speaker declared he had never written: this letter from Mr. Woodfall appeared to him inexplicable, till on coming down to the House, two morning papers had been put into his hand, in each

each of which he found a letter with his name at the bottom, and purporting to have been written by him ; but he assured the House it was a forgery.

The following are copies of the forged letter, and of that which Mr. Woodfall sent to the Speaker in consequence of it. And here it is necessary to observe, that the person who thus made use of the Speaker's name sent a copy of the letter to most of the morning prints, for purposes best known to himself ; some of the printers thinking the letter really came from the Speaker, readily inserted it in their publications, and obeyed the supposed orders of the Speaker ; Mr. Woodfall, among the rest, presumed the letter was genuine, and in consequence of this idea, wrote the letter, of which we give a copy under that of the forged one.

(C O P Y .)

" It is the Speaker's desire, that the printer of this paper do not publish in his paper of to-morrow, any of the Preliminary Articles of Peace, until the same have been regularly printed, agreeable to the vote of the House this day. A copy shall be sent in proper time.

" Jan. 27, 1783.

C. W. CORNWALL."

" Mr. Woodfall (Printer of the Morning Chronicle) presents his most respectful compliments to the Speaker, and begs leave to return him many thanks for the obliging note he did him the honour to send him yesterday evening. Before the Printer received it, he had intimated to his friend Mr. Strahan, his intention of adopting the line of conduct recommended in it, from a sense that a partial publication of the Preliminaries of Peace between France, Spain, and Great Britain, and of the Provisional Treaty with America, could not but be imperfect, and might do mischief, by misleading the public with regard to a matter of the highest importance, and respecting which they ought to have the most clear, correct, and authentic information.

" W. Woodfall begs leave farther to assure Mr. Speaker, that if on any future occasion he should wish to caution the Printers against taking particular notice of any thing that might have passed in the House, if he will be so good as to suggest it to him, through Mr. Clementson, Mr. Dunn, Mr. Mann, or any other of his officers, he will immediately convey it the other Newspaper Printers. He need scarcely add, that he will himself strictly adhere to the advice imported in any such hint, being anxious so to conduct his paper,

per, as to steer clear of offence to public bodies and private individuals; and being also perfectly conscious, that he can receive no hint from Mr. Speaker, which will not be deserving of his most grateful acknowledgements.

"Dorset-Street, Salisbury-Square, Jan. 28, 1783."

The Speaker having stated these facts to the House, said, he did not mean to move for any proceeding to be had upon them. But

Mr. *Secretary Townshend* observed, that though he would not have noticed any thing of the like nature had it related to himself, he nevertheless thought that such a freedom taken with the Speaker ought not to be passed over unnoticed. He supposed that in the present instance the object of the forged letter was to raise a laugh. He would not say that it was for quite so innocent a purpose that a third letter from him [the Secretary of State] to the Lord Mayor of London, had been handed about; and the fraud was so well concealed, that every one could in an instant pronounce it to be his; so that he might say with the poet,

Mr. Sec.
Town-
shend.

Every cockcomb knows me by my file.

In order therefore to shew that the chair was not to be trifled with, he would move, he said, and accordingly did move, that the above letter, signed C. W. Cornwall, be referred to a Committee of Privileges.

Mr. *Alderman Townshend* wished that so trifling a matter should not be taken up so seriously; he was of opinion that the whole was a forgery, as well the letter signed with Mr. Speaker's name, as that which bore the name of Mr. Woodfall.

Mr. Ald.
Town-
shend.

Mr. *Chancellor Pitt* treated the matter as too trifling to call for the attention of the House: if any joke was intended, the end was already answered; and he believed there was no danger of a repetition, as the writer would find people more on their guard in future: he therefore advised his honourable friend to withdraw his motion.

Mr. Chan-
cellor Pitt.

The *Lord Advocate* wished the letter might be referred to a committee; for though he had not the least intention of punishing the printers, who, no doubt, had been taken in on this occasion, still he wished, if possible, to come at the writer of the letter, who had dared to make use of the Speaker's name, and him certainly he would move to have punished.

The Lord
Advocate.

Mr. *Byng* said, that in all probability it would be impossible to find out the writer, who, it might be presumed, had

Mr. Byng.

taken every precaution to prevent a discovery of his person, when he resolved to take a step that amounted to a breach of the privilege of that House; and therefore he wished the motion might be withdrawn.

Mr. Fred.
Montague.

Mr. *Frederick Montague* said, the transaction was really below the attention of the House, and joined in with the last speaker. Upon this Mr. Secretary Townshend withdrew his motion, and the counsel on Sir Thomas Rumbold's bill were called in, and after some time had been spent in attending to them, the House adjourned.

January 29.

Mr. Viner.

Mr. *Viner* informed the House that he wished to communicate to them something of very great importance, and therefore requested the favour of their attention. He was sorry that he had not authentic documents for what he was going to submit to their consideration; it was solely founded on report; but still so general a report, that there was very little doubt of its being well founded. From general report therefore he would state, that he understood a violent mutiny subsisted at that moment in Portsmouth; the cause of this mutiny, he was informed, was an infraction, or supposed infraction, of the articles under which the 77th regiment was raised. He understood that this corps had been raised under the stipulation, that the men were to serve only three years, or during the war; that notwithstanding this stipulation, orders had been sent to Portsmouth for the regiment to embark for the East Indies. If this was a true state of the fact, he was far from being surprised that they had mutinied; for if the public faith was pledged to them, it ought to be religiously kept; and it would be in such a state of the case, an act of the greatest injustice to send men against their will upon a service, after the time for which they had enlisted was expired. Having stated thus much, he would wait to hear something on the subject from the Secretary of State before he should make any motion.

Mr. Sec.
Town-
shend.

Mr. *Secretary Townshend* told the honourable member that the report of a mutiny in the 77th regiment was but too true, though he could not conceive that public faith had been broken with that corps; for he always understood that it had been raised for any service, foreign or domestic, to which his Majesty should have occasion to send it; and that no stipulation whatever had been made, when the order was issued

for

for raising it, that it should serve for any particular period of time: he was afraid, however, that some of the officers, in order to raise their complement sooner, had enlisted some men for the 77th regiment for three years, or during the war, and that this stipulation was expressed in the attestations of such men: proper persons had been dispatched to Portsmouth, the moment the news of the mutiny reached London, to make enquiries into the causes of it.

Sir *P. Clarke* observed, that it would be a very easy matter to ascertain, from the letter of service, under which the 77th regiment was raised, whether or not, the men were enlisted to serve for a definite term. Sir P. Clarke.

Lord *North* remembered very well, under what idea orders had been given to raise that corps; for he was one of those, who had advised the levy of that and several other corps, such as the Glasgow, Edinburgh, Camerons, Athol, Macdonalds and Lord Macleod's corps; and as they were raised to answer the emergency of the time, so they were destined for foreign service; and he was convinced, that government had never given any directions, nor had they it ever in idea, that they should be raised only for three years, or during the war. If, however, any officer in the 77th, or any other corps, had made agreements with their men, contrary to the tenor of the letter of service, they were highly culpable; but faith should nevertheless be kept with the men. Ld. North;

Lord *Maitland* declared it to have been the general idea of the people of Scotland, when these corps were raising, that the term of service was to be for three years, or during the war; and under this idea he believed the regiments had been completed much sooner than they would have been upon any other principle; many of the men who composed the regiment in question could not speak English, and might possibly not know what had been inserted in their attestations; but he knew that the country at large understood, when the corps were raised, that it was for three years, or during the war; and if the men enlisted under this idea, he was of opinion that the public faith stood pledged to them, and it ought not to be violated; but that the House might know more of the matter, he would move, and did move, that a copy of the letter of service of the 77th regiment of foot be laid before the House. Lord Maitland

Mr. *Secretary Townshend* requested the noble lord would not press his motion just then, while the mutiny subsisted, the most improper time therefore to institute any parliamentary Mr. Secretary Townshend.

proceeding on the subject; a subject perhaps the most delicate, as it was well known the mutineer had had some previous communication with some person or persons in London, whom he did not wish to name.

Mr. Dempster.

Mr. *Dempster* felt himself nearly interested in the mutiny, as one of the companies of the 77th had been raised in one of the towns that he had the honour to represent. The Colonel of the regiment was a member of that House (Major General Murray) and a most respectable man; the moment he heard of the mutiny, he posted down to Portsmouth, with his noble nephew, the Duke of Athol. The latter had since returned to London, but without his uncle; now as it was a business in which the Commander of the regiment was so very materially concerned, he wished that the noble Lord would postpone his motion till that officer should be in his place in the House. In this wish Lord North and some other gentlemen concurred; but,

Mr. Eden.

Mr. *Eden* said, that while he was in Ireland, the 77th regiment had been on Dublin duty for sixteen months; and though it was not the most agreeable duty in the service, he must do them the justice to say, that they behaved themselves in the most exemplary manner; and once when there was an apprehension of a descent of the enemy in Ireland, he had sent them orders to march at an hour's warning for Corke; they obeyed their orders cheerfully, the celerity of their march was mentioned in this kingdom as a miracle; and to their honour he would say, that in so severe and rapid a march, not a man of them had deserted.

The Speaker.

The *Speaker* informed the House, that the paper moved for had been laid before the House two years ago, and was now upon the table.

Lord Maitland.

Lord *Maitland* refrained then from moving any thing upon it; but it was under the idea, that the regiment should not, in the mean time, be sent out of the kingdom.

Mr. David Hartley.

Mr. *David Hartley* desired the act of the 16th of George III. commonly called the Prohibitory act, might be read; which having been done, it appeared that it must expire of itself, whenever the rebellion in America shall cease; or whenever the King by his proclamation shall think proper to suspend it, which he is empowered to do, by a special act of Parliament passed last year. Mr. Hartley desired to know, why such proclamation had not been issued, in order to shew that we were eager to demonstrate to the Americans, our hearty disposition towards conciliation and friendship with them?

He

He desired to know, if there was any ground for the report, that a private article of the peace was, that Gibraltar should be given up to Spain? He concluded with moving for leave to bring in a bill to repeal the Prohibitory act.

Mr. *Secretary Townshend* said, that no such article existed as that to which the honourable member alluded, and that indeed there was no secret article at all. As to the proclamation, it certainly would be issued in proper time; he thought the Prohibitory act already virtually repealed, as the rebellion was terminated by a cessation of hostilities, which took place on the same day that hostilities ceased with the other powers, and by a recognition of the independence of America, which recognition would sufficiently convince the United States, that this country was greatly disposed to conciliatory measures. A general revision of the commercial system of the country would be necessary, and therefore he thought the temporary expedient proposed by the honourable gentleman, as inadequate; he therefore moved the order of the day.

Mr. Secretary Townshend.

Mr. *Burke* thought a general change of system necessary; but still he wished that, in the mean time, the proposed should be adopted.

Mr. Burke.

Mr. *Eden* argued differently. He said that the Prohibitory act was already repealed, or it was not; if it was repealed, why the motion for leave to bring a bill to repeal it? If it was not repealed, the honourable gentleman was beginning at the wrong end; for though it were this minute repealed, still the intercourse with America would not be restored; the navigation act would prevent it. For instance, an American ship arrives within a day or two in the Thames, from Virginia, laden with corn; her cargo is the produce of Virginia, but she was herself built at Boston; this was a ground of confiscation, according to the Navigation act, which enacts, that the ship must have been built in the colony from whence she brought the cargo. Another case; supposing the ship to be Virginia built, and her cargo to be the growth, or produce of the same province, if three-fourths of her crew are not likewise from Virginia, both ship and cargo are liable to seizure; our trade laws relative to America were adapted to subordinate and dependent colonies, not to sovereign and independent states. It were better therefore to wait a little time, till a proper system should be digested for the future regulation of trade with America.

Mr. Eden.

The *Chancellor of the Exchequer* said, that such a system should be formed as soon as possible.

The Chancellor of the Exchequer.

The

The question was at last put, and carried, for reading the order of the day. The House adjourned at seven o'clock.

January 30.

Heard a sermon preached by the chaplain.

January 31.

Lord Maitland.

Lord *Maitland* said, that having been struck with the distinction which the Secretary of State made on Wednesday, between such men of the 77th regiment, as could prove by their attestations, that they had enlisted only for three years, and those who could prove no such thing; upon the principle of which distinction, the former were to be exempted from, the latter liable to, punishment. He had taken some pains to be informed on the subject; and he believed that he could prove to a demonstration, that the distinction was not founded on fact; and all the men in the regiment were precisely on the same footing, with respect to the term or duration of their service. The proof he should adduce, was an order from the War-office (for which he meant to move) of the 26th of December 1775, signed Barrington, and which had appeared in the London Gazette; by virtue of which, all those who should enlist in any of his Majesty's marching regiments, after that date, should be bound to serve only for the term of three years, or during the rebellion. Hence it was clear, that the whole of the 77th regiment had completed their engagements, and that they were entitled to their discharge. His Lordship then moved for the above order.

General Conway.

General *Conway* expressed his concern that a question of so delicate a nature had been so publicly discussed; it might have been better, if it had been less public; for it might be of dangerous consequence, that the enemies of this country should know that perhaps two-thirds of our army were at this time in a state in which they might lay down their arms, and justly and lawfully call for a discharge, and yet this was truly the case; for by a strange kind of conduct in the ministers of that day, the troops were raised in consequence of the order moved for, only for three years, or during the rebellion; so that the ministers, intent solely on the American war, seemed not to have dreamt that it was possible there should be any other war; for if they had, they would surely have so worded their orders, as not to lay themselves under the necessity of giving discharges to two-thirds of the army

in the midst of any other war that might have broken out. If peace was certain, the motion could do no harm. He had ordered the 77th regiment to India, when peace came suddenly on, and they had claimed the advantage of their engagement. He concluded by saying, that he would not oppose the motion; but still he could wish that the noble Lord would not press it.

Mr. *Byng* complained of the partiality shewn to some commanders, when young regiments were ordered to so great a distance from the kingdom; that when Parliament should find it necessary to disband a great part of the army, these regiments could not be disbanded, but must be kept on foot, to the prejudice of older regiments. The right honourable member asked, if there was at present a certainty of peace? This was rather a strange question to ask at present, when he understood that the reason for delaying to submit the preliminary articles to the House, was, that Ministers were waiting till they should have been ratified; and then, of course, there must be peace.

Mr. *Fox* was surprised at hearing the Commander-in-chief say, the peace had come upon ministers on a sudden; for his own part, he could say it had not come upon him or the public on a sudden; for they had been taught to look for it on or before the 5th of December; and yet they were kept in anxious expectation of it from that time down to the 23d of January: but he was afraid that it had nevertheless come suddenly on at least some of his Majesty's ministers; and he was apprehensive that some parts of the peace would prove it: he did not want to go, then, into a consideration of the peace; but he was free to say, that he did not think it as good a peace as might have been made. The honourable member at the head of the army had asked if it was certain even now, that we should have peace; to this he would reply, that the prerogative vesting in the King the power of making peace and war, and the preliminary articles being once ratified, then undoubtedly it was out of the power of Parliament to break the treaty: he would admit, indeed, that Parliament might interfere in such a manner as to make Ministers go to war again; but then it must be called a new war, not a prosecution of the old one; and it would be so compleatly a new war, that if the whole army had been enlisted to serve during the war, the present treaty once ratified, would put a compleat and legal period to their service; though the war should be revived in the course of a week.

General

General
Smith.

General *Smith* said, that a general apprehension seemed to prevail in the army, that at the conclusion of the war, such of his Majesty's regiments as might be in India, would of course be sold to the Company, and turned over into their service: but this was a mistake; for every man of them would have his option, at the end of the war in India, either to return, or engage in the Company's service.

General
Conway.

General *Conway* said, that the 77th should not be ordered for India, or any other Highland regiment.

Honourable
Mr. Fraser.

Honourable Mr. *Fraser*. As I came down with a determination to maintain a perfect silence on the painful subject now called before the humanity of the House, I do not rise to arraign, but to commend his Majesty's Ministers, for having, on different emergencies of the state, called forth resources, in the form of new levies, from the northern parts of Great Britain, because the measures were wise, according to the circumstances of the times; much less do I rise to extenuate any improprieties or criminalities of the men in those particular corps, whose late conduct has given rise to the present debate, since, I flatter myself, genuine, unprejudiced, humane feelings were the cause why this affair was at all mentioned in the House by an honourable member on a former day; and as, I believe, nothing more was intended than to support the humane side of the picture, I must beg leave to recal the attention of the House to that only, and I beg to express, from my own knowledge, no people in Europe, perhaps in the world, are more tenacious of *civil contract* than the description of men now in question. There is no servitude, however disagreeable or dangerous, provided they have consented or engaged, which they will not go through; but then, Sir, their perseverance is on the score of moral obligation, and it is *unavailing* to endeavour to make them continue in any compact beyond the specified time, without a fresh agreement. In these sentiments they feel as much of the spirit of freedom, as men can do in any quarter of the empire; and, I vow to God, I believe the sense of moral obligation, which is instilled, along with religious principles, in the early part of their lives, give them that *willing activity, sobriety and perseverance*, for which they are distinguished.

I need not flatter myself, because I am confident every fair thing will be done, and I hope every gentle and consistent measure adopted on the occasion, in order that the recruiting service may not hereafter suffer in those parts of the kingdom by any thing now done here.

Several

Several other members took part in the conversation. The motion passed without a division, as did also two motions more, made by Lord Maitland for other papers from the War-office, relating to the same subject.

Mr. *Eden* took this opportunity to enter his protest against the cession of so large a part of Canada, as Ministers had given up by the treaties not less than 18,000 square miles; and to declare it to be his opinion that Ministers had acted, in that point, in open violation of a positive act of Parliament. Mr. Eden.

The order of the day was then read, for hearing counsel on the bill relative to Sir Thomas Rumbold; the counsel were called in accordingly, and continued the examination of witnesses.

February 3.

Mr. *Minchin* moved for papers; — one was, an account of the number of ships from Great Britain, and the islands of Jersey and Guernsey, employed in the Newfoundland fishery, from the year 1763 to 1777, both inclusive; — another for an account of the quantity of furs imported from Canada and Nova-Scotia, during the same period; — a third for an account of the quantity of gum Senegal imported in the same space of time; — and lastly, for an account of the number of slaves shipped from any of his Majesty's dominions in Africa, from 1763 to 1777. Mr. *Minchin* having read these different motions, he regularly moved the first. Mr. Minchin.

Mr. *Eden* said that some time ago, he had moved for a suspension of so much of the Prohibitory act, as should allow the exportation of British commodities to New-York, Charlestown, and such other places, as might be in the possession of the King's arms; the legislature having adopted his ideas on that head, upwards of two millions worth of British manufactures had been landed at the different ports in America, which had been opened to receive them; but the Americans, in some of the states, seeing that great quantities of these manufactures found their way into the provinces beyond the British lines, had enacted severe penalties, nay even of death itself in some assemblies, against those who should import British commodities: now as long as the laws remained in force, by which such penalties were to be, or might be inflicted, it was almost impossible, that the so much desired intercourse between the two countries could take place, as the confiscation of the pro-

perty that should be attempted to be imported into America, against these laws, was part of the penalty. Ministers must therefore see that these laws must be repealed by the different states that enacted them, before the repeal of the Prohibitory Act by the British Parliament could be of any effect towards restoring the intercourse between this country and America. He was willing to believe that Ministers were aware of this as well as he was ; and that they would take care to provide by means of conditional articles, or otherwise, for the repeal of the provincial laws alluded to ; and that they would procure sufficient passes for such ships as might sail for America, before these laws should be repealed.

Mr. Burke. Mr. *Burke* took notice that this difficulty was provided against, in the plan which an honourable friend of his (Mr. D. Hartley) intended to have proposed a few days ago, if he had been able to procure leave, to bring in a bill for repealing the Prohibitory Act. The honourable member who spoke last, was now convinced of the necessity of such a measure, though he had been pleased to vote for postponing the proposition of the other member (Mr. Hartley.)

Mr. Minchin's motions were all put, and carried without opposition.

Ed. Newhaven. Lord *Newhaven* requested the Secretary of State would inform the House when he intended to bring forward the consideration of the articles of peace ? and whether they were to be ratified, before the Parliament should pronounce upon them ?

Mr. Sec. Townshend. Mr. *Secretary Townshend* said, that he believed he should submit the articles to the consideration of the House, about the middle of next week ; and that by that time he expected the ratifications would be exchanged. He said that they had already been ratified here ; and he imagined that they probably were ratified by this time on the other side of the water.

Lord Newhaven. Lord *Newhaven* was astonished that Ministers could think of advising his Majesty to ratify the articles, before the House had taken them into consideration ; for if it was the undoubted prerogative of the Crown to make peace, and that the kingdom must stand to the ratification of the Sovereign ; then it would be a farce indeed to ask the opinion of Parliament on the subject of a peace, finally concluded, and which it was not in their power constitutionally to break through.

Mr. Sec. Townshend. Mr. *Secretary Townshend* replied, that he acted in compliance with the practice and custom of Parliament ; and that

he believed no treaty of peace had ever been taken into consideration by that House, till after it had been ratified.

Sir *William Dolben* agreed with the Minister in this point ; he said, that no one entertained a doubt, but it was clearly the prerogative of the Crown, to make and conclude peace without the knowledge, consent, or advice of Parliament ; therefore he was of opinion that the Secretary of State was justified by the constitution and practice of Parliament in ratifying the treaties with France and Spain : but he had his doubts, and very strong doubts, that the treaty with America could be concluded in the same manner : nay, he was of opinion, that where the abdication of the dominions of, and sovereignty over America was to be ratified, the King could not do it, not only without the advice, but without the assistance of Parliament.

Sir William
Dolben.

February 4.

Governor *Johnstone* informed the House, that he intended to move for a copy of the commission, under which he had formerly been appointed Governor of West Florida ; he did not imagine that there could be any objection to the laying of such a paper before the House ; however, as none of his Majesty's Ministers were present, if any of their friends would wish him to postpone his motion to a later hour, or another day, he would very readily comply with their desire ; but no one rising up to express such a wish, he moved " that there be laid before this House a copy of the commission under which George Johnstone, Esq. was appointed Governor of his Majesty's province of West Florida, describing the boundaries of the same." The motion passed without any opposition.

Governor
Johnstone.

The *Lord Advocate* then moved the order of the day, which was for hearing counsel on the bill for inflicting pains and penalties on Sir Thomas Rumbold, Bart. The order was read ; and the counsel were called in, who proceeded immediately to examine witnesses ; which took up the time of the House for the remaining part of the evening, till they adjourned.

Lord Advocate.

February 5.

The House resolved itself into a Committee of Supply ; Mr. Ord in the chair.

The *Secretary at War* then rose : he said that when he moved before the holidays for some money on account of the

Secretary at
War.

extraordinaries of the army, he was in hopes that the whole of the estimates would have been made up, and laid before the House, before he should have had occasion to call upon the Committee to vote any more money; but unfortunately through the hurry of business in the different offices, the accounts were not yet made up; though he hoped that in a fortnight's time, he should be able to lay the whole upon the table. He supposed therefore that gentlemen would not now call upon him to go into a minute detail of the estimates, which he would be ready to do, if the House should require it, when the whole of the estimates should be laid before them: at present he would ask money merely on account as he had done before the recess. He then moved that a sum not exceeding 296,597l. 19s. 3d. be granted to his Majesty for defraying some of the extraordinary expences of the army, incurred, but not provided for, by Parliament.

Mr. Burke. Mr. *Burke* said, that from the rapid succession of Secretaries in the War Office, he was not at all surprised that the accounts were not all made up; and as the different contracts for the army had already been made, he supposed that very great savings could not be made; but still the House would wish to see the account at large; and would look for some difference in the expence between a dormant, and an active war.

Secretary at War. The *Secretary at War* said there certainly would be a reduction of expence, so that the House would find it less this year than the last.

Mr. Dempster. Mr. *Dempster* desired to be informed if the accounts would be made out conformably to the rule laid down in the 7th report of the Commissioners of Accounts, so that they might be printed.

Secretary at War. The *Secretary at War* said, that he certainly wished they might be printed; but still he presumed it would be better for the House to wait till the whole of the account should be laid upon the table: he said farther, that it should be made out strictly conformable to the report of the commissioners.

Mr. George Onslow. Mr. *George Onslow* mentioned the great deficiencies in the several regiments, and the very great number of non-effectives, for whom money was advanced, the use of which was lost to the public for a long time. He complained also of similar cases in the militia, and the money that lay in the hands of the agents.

Sir

Sir *Philip Jennings Clarke* said that when the money in the hands of the militia agents should be called in by the public, it ought to be afterwards distributed among the counties that had suffered so much in raising their complement. But to this there was a general murmur of disapprobation in the House. Sir P. J. Clarke.

Mr. *Jenkinson* observed, that when he was in the War-office, he once intended to have called in this money; but as the Commissioners of Accounts were at that time taking up the consideration of money in the hands of agents, he had desisted, and left the business to them, because they had so much more power to enforce orders of that nature than he had. The question was put, and the motion passed without opposition. Mr. Jenkinson.

The *Secretary at War* then moved for another sum, not exceeding 340,346l. 19s. 6d. This motion passed also; and the House adjourned at half an hour after four o'clock. Secretary at War.

February 7.

Mr. *Burke* rose to move for leave to bring in a bill to amend the act passed last year for regulating the office of Paymaster of his Majesty's forces. He said that the act, which he desired to amend, had in some measure failed to produce the effects he expected from it, for two reasons; one, because he himself who had framed it, was not possessed of abilities sufficient to render such a work as perfect as it ought to be; and next, because it had been brought in so suddenly, and so late in the last session, that if he had been possessed of the greatest abilities, he had not time enough to frame it in such a manner as he could have wished. Such as it was, he believed Government had found it to be very inconvenient, and he was very sorry for it; for it was far from his intention, in bringing in the bill, to hamper Government, or give them any unnecessary trouble; however he understood that very great inconveniencies had arisen from it; the object of the bill that he was now moving for, was to obviate them. When he proposed that the public money should be taken out of the hands of the paymasters, nothing was farther from his intention than that it should be carried to the Bank, there to remain without fructifying; and if it was to fructify, he never intended that the Bank, or any other body or description of men, other than the public, should reap the fruits; for in his opinion, if the public did not reap them, there was no Mr. Burke.

one who had so good a claim to them, as the persons who were at the head of the offices for which the money had been originally issued. He concluded by saying, that he wished for the assistance of the officers of the Crown, and in general of all military officers. He then moved for leave to bring in the bill.

Secretary at War.

The *Secretary at War* bore testimony to the truth of the assertion, that Government had felt very great inconvenience from the act passed last year; he was ready to give every support in his power to the right honourable member in his plan for removing it, if it should appear to him such as he thought would answer the end; but he would not pledge himself to support the specific propositions that the right honourable member should adopt, because he was as yet unacquainted with the extent of them.

Gen. Conway.

General *Conway* said a very few words precisely to the same effect; as did also General Sir George Howard.

The question was put, and carried in the affirmative.

Mr. Hussy.

Mr. *Hussy* requested, that the House in general, and Ministers in particular, would attend to him for a minute, while he should make a few observations on a subject of very considerable importance. By the twenty second Article of the Preliminary Treaty with France, the precise time was specified when hostilities were to cease in the different parts of the world, from the British Channel to the East-Indies; this article he presumed, was intended to be built on the reciprocity and equality of situation between the contracting parties; but he was clearly of opinion, that this reciprocity of situation had been completely overlooked; and the British trade alone might be the only sufferer by it: for what was the relative situation of the trade of France and England at this moment in India? France had no trade to lose there; for if she had any trade at all there, it was carried on wholly in neutral bottoms, while England had at this instant afloat fifty sail in India, or on their way home. He was happy, indeed, at having it in his power to congratulate the House on the safe arrival of two East-Indiamen; and he trusted he might venture to hope, that two more were arrived by this time, as they had been spoken with at a very small distance from land. These four ships were included in the fifty he had mentioned; and the value of the fifty, to the owners, to the India Company, and to the public revenue, did not fall short of 8,848,000l. sterling. He did not say that these ships, if captured, would produce so much to the enemy;

my ; but the capture of them would certainly be a loss of such a sum to this country ; and if he was to add the value of the outward bound Indiamen, the possible loss of the whole to the public, would be immense : he would not have it understood that he was alarmed without cause ; the risk of France and England was widely different ; in fact, France had nothing to lose in the East, and we had near nine millions at stake, which for five months to come, the terms limited by the article to which he had alluded, would remain liable to seizure. He hoped that the ministers of France would be above taking advantage of this circumstance ; and he hoped also that our ministers would take such steps by dispatching orders to India, or such other means as they should deem most proper, to prevent those losses, to which the above article left us, at this moment exposed. Intelligence might be sent out to India, greatly to our prejudice ; and he was the more afraid of this, as he knew, though without being able to account for it, that the French had during the course of the war been apprized of every event in India, at least a month before it was known in England ; and also, that the French in India, were apprized of the transactions of Europe, a month before the accounts of them reached the British settlements. He recommended it to ministers to procure passports for the Indiamen, that were now on the point of sailing ; for without that precaution, they would be liable to seizure these five months to come. To this ministers said nothing.

Lord *Maitland* rose to remind a right honourable Secretary of an expression which had fallen from him near two months ago : at that time the right honourable Secretary had assured the House, that it was the intention of ministers to advise his Majesty to bestow some signal mark of his favour on the gallant General Eliott, for his noble defence of Gibraltar. He was now to ask the right honourable Secretary, whether the red ribbon, with a pension of 1300 l. a year, was the signal mark of royal favour, that ministers at that time intended to advise his Majesty to bestow ? if it was, he would inform that right honourable gentleman, that he would, on the first vacant day, move the House for such a mark of royal gratitude, as he thought ought to have been conferred on so gallant a commander.

Mr. *Hamet* begged leave to inform the House of a very recent and extraordinary event ; there was, he said, at the time he was speaking, an American ship in the river Thames, with

with the Thirteen Stripes flying on board: this ship had offered to enter at the Custom-house, but the officers were at a loss how to behave: his motive for mentioning this subject was, that ministers might take such steps with the American Commissioners, as would secure the free intercourse between this country and America. The ministers remained silent.

Lord
Maitland.

Lord *Maitland* gave notice, that since ministers had not thought proper to give any answer to his question, relative to General Elliott, he would on the first vacant day, make a motion on the subject matter of that question.

Mr. David
Hartley.

Mr. *David Hartley* said, that the call of the House standing for this day, and the preliminaries of peace not having been yet discussed, he wished that the call might be postponed: as the ratification had not yet arrived from Paris, he supposed that the consideration of the preliminaries could not well be taken up before this day, or Monday se'nnight; and therefore he would move that the call might be adjourned to Wednesday se'nnight.

Mr. Fox.

Mr. *Fox* wished the Secretary of State would fix upon some particular day, when he thought the business of the preliminaries would come before the House: he did not want to tie him down to any particular day; perhaps the ratification might not arrive as soon as he expected: but he might certainly fix some day, on condition that he should receive the ratification previous to it.

Mr. Secretary
Townshend.

Mr. *Secretary Townshend* said he had not the least objection to fix a day, except what arose from the uncertainty when the ratification should arrive: he expected it very shortly; and he believed he might venture to name Monday se'nnight, it being understood at the same time, that the discussion of the preliminaries on that day would depend on the arrival of the ratification in the course of next week. As to the call of the House, he would certainly agree to put it off; in this he knew he differed from an honourable member (Mr. Rolle) who was of opinion that the House ought always to be called over, on the day first appointed for the call.

Mr. Rolle

Mr. *Rolle* said, that as this had been his opinion for a long time past, it continued to be so still; and without entering into any debate on the question, he would take the sense of the House on the motion. Before the House divided,

Mr. Fox.

Mr. *Fox* gave notice, that on Monday next he would move for an account to be laid before the House, of the state of the navy, as to the number of ships and men in actual service at the

the time when the preliminaries were signed: And to this motion he did not conceive that any objection would be made.

The House then divided on the motion for adjourning the call, to Wednesday se'nnight, when there appeared, Ayes 176; Noes 101. Majority 75.

February 10.

The *Chancellor of the Exchequer* moved that the part of his Majesty's speech which related to oeconomic reforms, should be read; which having been done, he stated the very great necessity of seconding the gracious intention of the sovereign in so essential and important an undertaking; there were in most of the public offices, sine cure places, to which great salaries were annexed; and the nation was burthened to pay officers, who performed no services whatever. This was a good ground for reform; and he made no doubt but the House would readily consent to a measure, which had for its object, to alleviate the burthen of the public; He then moved for leave to bring in a bill for reforming abuses, and introducing new regulations into the Treasury, Admiralty, Tax and Pay offices, and other public offices, to be mentioned in the bill.—The motion passed without a division.

Chancellor
of the Ex-
chequer.

He next stated, that there was another department in the public service, which he thought of so great magnitude, as that it well deserved to be considered in a separate bill; he meant the Board of customs, where, from the numberless fees, and intricate forms of office, the public business was greatly retarded, to the great injury, as well of the revenue, as of the merchants: there were also under that Board a number of *patent places*, which were become mere sine cures, of no benefit whatever, except to the patentees; but of no small detriment to trade, from the multiplication of fees: besides, the officers who held under patents, were in some measure exempt from the controul of the commissioners; a circumstance not calculated for the benefit, or good government of the customs. The fees he intended to reduce; the patent places to abolish, still making a provision, equal to an equivalent, for the present possessors, and a proper compensation to those who were interested in the reversion. This last idea met the general approbation of the House; and Mr. Pitt having moved for leave to bring in a bill to reduce the fees of office, and also to abolish certain patent places under the Board of customs,

Mr. Dempster.

Mr. *Dempster* observed, that as the right honourable gentleman had not been very long in office, it might not have come to his knowledge, that Scotland was as much hampered with fees to custom-house officers as England, and that he would therefore recommend it to him, to include the former in his plan.

Chancellor of the Exchequer.

The *Chancellor of the Exchequer* said, that every thing that fell from the honourable member, had very great weight with him; he had already suggested to him the idea of including Scotland in his plan for improving the representation of the people; for that, and for the idea he had just thrown out, he returned him his thanks, and should esteem himself happy in having the honourable member's assistance in carrying it into execution. The motion passed without a division; as did also another for a list of officers under the Board of Customs, together with the fees paid to them, in England; on the suggestion of Mr. *Dempster*, instead of the word England, the words Great Britain were inserted.

Lord Beauchamp.

Lord *Beauchamp* moved, that the Directors of the East India Company do lay before the House an account of the duties paid in the kingdom of Bengal, by the late French East India Company, or by individual traders of that nation, previous to the dissolution of the said Company. The motion passed without opposition.

Mr. Fox.

Mr. *Fox* moved, without any preface, in three separate motions, for a list of all the ships of war, with their names and rates; which were in commission, and fit for service on the 20th of January last; and also an account of the seamen and marines borne and mustered in his Majesty's navy on the 1st of January 1783; and lastly, for the names of such ships as were in such forwardness that they might be in the water on the 1st of May next. He said that it must strike every Member that it was with a view to the preliminaries of peace that he made these motions: for he must say, that the preliminaries did not bear upon the face of them their own justification: and therefore it was necessary to procure every possible information on the subject, before the House should be called upon to decide upon their merits or demerits; and he hoped that orders would be given by the proper officer, to get the papers moved for ready to be laid on the table before the discussions on the preliminaries should be brought forward. The motions passed without opposition.

Mr. Buller.

Mr. *Buller* said, that he wished to take the business up at an earlier period, in order to ascertain whether the navy was
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in an improving or declining state, when it was handed over by a noble Earl, to his successor; he therefore moved for an account of the ships of war in commission, together with the number of seamen and marines borne and mustered in his Majesty's navy on the 31st of March last.—He intended also to make some other motions for papers relative to the navy; but as he had not yet worded them, he would wait for another day: the motion he did make was agreed to without any difficulty.

Lord *Newhaven* read some motions, which he intended to make on the next day, by way of letting ministers know before hand, what he intended to move for: the motions were for copies of instructions sent to Mr. Oswald, relative to the cause of the American Loyalists; together with Mr. Oswald's answers, and those of the Commissioners from Congress; others of the motions were for copies of instructions sent to Sir Guy Carleton on the same subject, together with the answers.

Mr. *Secretary Townshend* said, that before the business should be completed, he did not know that it would be quite so proper to lay before the House the papers, for which the noble lord intended to move: however, he would avail himself of the opportunity now given him by the noble Lord, to consider the subject, and to be prepared to give a decided opinion on it, when the motion should be made.

Lord *Newhaven* said he would put the motions into the right honourable Secretary's hands, that he might peruse them at his leisure. His lordship did so; and the House adjourned without proceeding to any further business.

February 12.

Mr. *Secretary Townshend* said, that in consequence of a notice given by him before the recess, of an intention to make some regulations for the improvement of the police of the metropolis and its environs, he was now going to move for leave to bring in two bills, to carry that intention into effect. When he first turned his thoughts to the subject, he had it in contemplation to enact a land-press, not so much from any expectation of getting many men for the army, but merely for the purpose of preventing a number of idle young men from meeting at night in public-houses, who, without any visible means of livelihood, assembled rather for the purpose of meditating mischief, than innocently solacing themselves; but the peace having intervened, he had altered his mind, because he knew that a press-act in peace time would

spread an alarm. — Instead, therefore, of a press act, he would propose that all those persons who should be found carrying arms at night, without being able to give a good account of themselves, or in whose possession should be found implements for house-breaking, &c. should, though without having actually perpetrated any criminal act, be treated as vagrants, and suffer six months imprisonment: according to the law, as it now stands, the most notorious felon in the kingdom, returning to mix with the public, after the expiration of a sentence of transportation, or confinement in the hulks, might have in his possession every implement necessary for plundering his fellow-subjects, and still be out of the reach of justice, till he should have actually committed some crime with them. The object of his next proposition, was to punish more severely the receivers of stolen goods. It was an old saying, “that the receiver is as bad as the thief;” but if the subject was maturely studied, it would be found that the receiver was infinitely worse, and infinitely more pernicious to the public: in proof of this observation, he adduced the case of the unfortunate young girl, who was lately executed for the robbery in her mistress’s house at Tottenham. He would propose therefore the repeal of the 10th of George III. relative to receivers of stolen goods, and enact the penalty of death on all those who should in future be convicted of receiving stolen goods, knowing them to be such, which had come into the hands of the thief, by burglary or highway robbery, and in these two cases only. Having said thus much, he moved for leave to bring in two separate bills, for carrying the two propositions into law; and leave was given without any debate.

Lord
Newhaven.

Lord *Newhaven* then moved for copies of all instructions sent by any of his Majesty’s ministers to Mr. Oswald, relative to the American loyalists. He declared that he had no other object in view in making this motion, than to obtain such lights as should enable him to judge whether as much had been done for these unfortunate people as the honour and justice of the nation required,

Mr. Rolle seconded the motion, but without making any speech.

Earl Nu-
gent.

Earl *Nugent* declared that if his Majesty’s ministers had omitted to do any one thing in their power, to provide for the unfortunate people, language could not furnish him with an epithet too harsh or severe for them; no punishment could be too rigorous for them; their blood alone could

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wipe away the stain from the honour of the country, which the dereliction of these men would fix upon it : while England had a shilling, she ought to share it with those, who had abandoned their all for England ; and he knew only one thing which England ought not to do for them, and that was to continue a ruinous war, which had brought her to the verge of destruction ; the continuation of which would put it for ever out of the power of this country to make any provision for these loyal, hapless men, who had so good a ground for looking up to England for a provision, which she was bound, by every tie, human and divine, to find for them. It was possible that ministers might not have been able to make better terms for them than they had done, without continuing the war ; and in that case, he would excuse them for what they had done ; and he would not press them to produce the papers moved. It was possible also that there might be a secret article in the treaty, by which there might be some more agreeable terms made for the loyalists, though it might be improper to make them public ; for the Congress could not answer for the acts of the Legislature of the different provinces, each of which is, to all intents and purposes, sovereign within its own limits, and looks with jealous eyes on Congress, the apprehension of whose encroachments is very lively. In the case of Lord Cornwallis, at York Town, there was no stipulation in the articles in favour of the Loyalists ; and yet not one of them was executed ; because, in all probability, the noble Earl had stipulated for their safety in a private article ; and from the knowledge he had of that brave and gallant man, he was convinced, that, if he had not privately stipulated for them, he would much sooner have perished with his army, than put the Loyalists unconditionally into the hands of their enemies. However, when he mentioned a private article in the preliminaries, he mentioned it only a supposable case, which would render it improper for ministers to consent that the papers should be laid before the House : silence was, in some cases, very necessary ; and he knew that ministers were sometimes obliged to assign very weak reasons for their conduct, because they were not at liberty to give their true reasons.

Sir *Joseph Mawbey* opposed the motion ; he did not think this country owed any thing to the Refugees ; because they were the people who had been most instrumental in bringing on the fatal American war,

Sir *Joseph Mawbey.*

Governor

Governor
Johnstone.

Governor *Johnstone* supported the motion : the point upon which the present question turned in fact was, whether it was necessary that the papers moved for should be granted ; and whether the laying them before the House might be attended with any inconvenience to the public ; the article in the treaty with America, relative to the loyalists, bore hard upon the honour and character of this country ; was it not necessary therefore that the House should see whether every thing had been done, that the justice and honour of the country required should be done ? As to the inconvenience, he really could not see any ; but if gentlemen wished it, the motion might be qualified. It was in public as in private life ; there were occasions where a man ought to risk his fortune, his life, and every thing dear to him, when honour called him ; and he who should refuse to do it, was unworthy of life ; it was just so in public life ; there might be cases in which the salvation of a kingdom ought to be risked ; and such he deemed the case of the loyalists, particularly those, who having at the call of the people and Parliament of Great-Britain taken up arms to support her cause, were now precluded from justice, by an odious distinction between those who were within our lines, and who were to expect some indulgence ; while those who had fought our battles, were to be abandoned.

Sir Adam
Ferguson.

Sir *Adam Ferguson* insisted, that in the cause of the loyalists were involved the honour, the justice, the gratitude, and he would add, the policy of the nation ; and therefore he would vote for the papers, that he might see whether as much was done to support them, as might have been expected.

The Lord
Advocate.

The *Lord Advocate* argued, that if the case of the loyalists was one of those, in which every thing ought to be risked, there was no occasion for papers, in order to convict ministers ; the very article relative to the loyalists would be sufficient for their conviction ; for it was clear they had acted, as if they thought every thing ought not to be risked. On the other hand, those who were not of opinion that any such case could exist, and who would call for papers, only for information, must see the impropriety of laying before Parliament the private conversation of the American Commissioners, which were never intended by them for the public eye.

Mr. Fox.

Mr. *Fox* was of opinion, that the comparison between public and private life, made by an honourable gentleman, would not hold good ; an individual might, and in some cases ought to risk his life and property ; but no such case could exist with
regard

regard to the public; and if he was convinced that Ministers had done all that lay in their power for the loyalists, without being able to procure better terms for them, without continuing the war, he would not be one of those who would condemn them: but still he wished to be informed, whether they really had done every thing in their power; for though he disapproved of the principles of the loyalists, he, nevertheless, admitted, that the honour of this country was interested in their cause. He wished he could see all other instructions given relative to other articles of the peace; for, in the present treaty, he was free to say, there were such surrenders, as could not be equalled in all the treaties ever made by this or any other country, in its most distressed circumstances; and he was desirous to learn what stand Ministers had made against them.

Mr. Eden said a few words against the motion, as did also Mr. Secretary Townshend; when the House divided on it; Ayes, 63; noes, 104. Majority against producing the papers, 41.

February 13.

Mr. Dempster moved for leave to bring in a bill for amending certain clauses in the 17th of Queen Anne, chap. 6, in order that foreign born Protestants be naturalized, and considered as British subjects. Mr. Dempster.

Ordered.

February 14.

Mr. Secretary Townshend informed the House, that the ratification of the preliminary treaty with the Court of Madrid, had arrived yesterday; and that authentic information had been received on the same day, that the States General had acceded to the cessation of hostilities; he therefore moved, that the House would on Monday next take into their consideration, the preliminary articles of peace made between Great Britain and the Most Christian and Catholic Kings; and also the treaty with the United States of America. The motion passed without any debate. Mr. Sec. Townshend

Mr. Eden said he had a motion to make, to which he did not conceive there could be any possible objection, and therefore he would make it without entering into arguments in support of it. He then moved, that an humble address be presented to his Majesty, that he would be graciously pleased to give orders, that there be laid before the House, copies of the commissions and powers under which the Commissioners of Mr. Eden.

of Great Britain and America had signed the preliminary articles of peace

Lord Newhaven. Lord *Newhaven* said, he had then in his hand a motion precisely to the same effect, which he intended to have made; but as the right honourable member had taken up the matter, he would content himself with seconding him. The question was put and carried; but when the Speaker was putting the question, which always follows an order for presenting an address for papers, "that this address be presented by such members as are of his Majesty's most honourable Privy Council,"

Mr. Sec. Townshend. Mr. Secretary *Townshend* expressed his hope that the House would not order such papers to be laid before them, as it would be contrary, as far as he could judge, to the practice of Parliament; for he could not recollect a single precedent, where the powers of the commissioners who have concluded a peace, were laid before parliament. [Here Mr. Townshend was informed by the Chair, that his observations came too late, as the House had already agreed to the address for the papers.]

Mr. Townshend said, that this circumstance had escaped his attention, or he would have opposed the motion in time: he wished the right honourable mover of the question had communicated it to him before he made it, or that he had made it some days earlier. He hoped the House would not insist that the question was not still open; if he should be permitted to think that it was, and that it could be withdrawn, he would assure the House, that he would bring the papers called for on the Monday, and that he would then lay them on the table, unless he should be of opinion that it would be improper to make them public, in which case he would certainly not attempt to assign any frivolous reason against laying them on the table.

Mr. Eden. Mr. *Eden* expressed his readiness to accommodate the right honourable Secretary, and therefore he would readily consent, as far as lay in him, that the question, though already carried, should still be open to discussion; and he assured him, that if he could have imagined that his motion would not be treated as a motion of course, he would most undoubtedly have previously informed the right honourable Secretary with the subject matter of it: but as to the papers moved for, he held them to be absolutely necessary to every member, who should see them before he should give his vote either for or against the peace; for unless the commissions were produced,
it

it was impossible for any man to say that peace was made; for if the Commissioners acted without, or beyond their powers, the articles they had agreed upon were of no validity.

Mr. Fox said, that as the question had been carried in a Mr. Fox's hurry, and as it could not be the wish of any one that questions should be carried by surprise, he made no doubt but the House would consent that the question should be considered as still open, and even that it should be withdrawn; but upon this condition, that the right honourable gentleman would pledge himself to bring the papers to the House on Monday, and to lay them then on the table, without any farther opposition. He was clearly of opinion, that the papers were absolutely necessary, particularly, if for no other purpose, for ascertaining how far the Congress had authorised their Commissioners to treat, relative to the loyalists: our Ministers must have been acquainted with the extent of this power, before they treated with them, as Commissioners on such business, always begin by interchanging their powers and credentials. The right honourable Secretary said the proceeding was without a precedent; it was so; but the present peace was unprecedented in the annals of this country; and as the case was new, it was no wonder the proceedings should be new.

Sir William Dolben expressed a very earnest desire that some one of those, who occasionally advise his Majesty in law matters, would inform the House under what authority ministers had acted in sending commissioners to treat about the cession of part of the empire; he meant to confine himself to the cession of the sovereignty of this country over America; for as to the other parts of the treaties of peace he would not call their legality in question, because he believed they were within the boundaries of the prerogative of the Crown. But as to America, he had doubts which it would not be very easy to remove. Was it by virtue of his prerogative royal, or under the authority of a statute, that the King had declared the colonies independent? His Majesty, in his speech from the Throne at the opening of the session, had made use of an expression which left the matter involved in doubt; for there he declared, that finding all efforts to bring back the colonies to a dependence upon Great Britain ineffectual, he did not hesitate to employ the powers vested in him to bring about a peace. But how vested was the question? Was it by his prerogative? If it was, this was indeed a most tremendous exertion of it; and he was the

Sir William
Dolben.

more alarmed and surprised at it, as this expression in his Majesty's speech had been adopted by the advice of those, who, a short time before, had concurred in a resolution of the House of Commons, "that the influence of the Crown has encreased, is encreasing, and ought to be diminished." If, on the other hand, this power of declaring America independent was claimed under the act passed last session, for empowering his Majesty to conclude a peace or truce with America, he would contend that no power whatever was given by that act to sever America from Great Britain. Some might say that it was implied, if not expressed; but ought so great a matter to be left to implication or construction? In the case of Ireland, the Parliament of that kingdom said, that the repeal of the 6th of George I. would give general satisfaction to them, as it would put an end to the claims of England to legislate for Ireland. The act was accordingly repealed; but the Irish recollecting themselves, that though the claims might have been virtually renounced by the repeal of that act, it would be weakness to trust to virtual or constructive renunciation; and therefore to put the question beyond the possibility of doubt and cavil, they called for an act which should in express terms renounce the claims of England to legislate for them. Why should not the same precaution be taken in a business of so much moment, as the renunciation of the sovereignty of this country over America? It ought not to be left to construction, whether the treaty with America was made according to law, or contrary to law; a doubt on that point might open a scene of confusion, and furnish grounds for shedding more blood, and for undoing all that had lately been done. The right honourable gentleman had said, and truly said, that the present peace was unprecedented in the annals of this country; for surely it was unprecedented to surrender and give away five parts out of six of the dominions of the Crown. He concluded by expressing his approbation of the motion.

The Lord
Advocate.

The *Lord Advocate* said he could see no reason for urging the motion at present. His right honourable friend had pledged himself to bring down the papers on Monday, and lay them on the table, if he should not have strong reasons to shew, why they ought not to be produced; meaning by this, that he wanted time to look into the papers, and try if they contained any matter which it would be improper to disclose; for gentlemen must all see, that in case they contained any instructions, or were connected with them, it would

would be very far from being prudent to lay them before the House. He was sure, that as his right honourable friend did not wish to bring any new matter before the House on Monday, as they would have enough to attend to in the discussion of the Articles of the Peace, gentlemen might be sure that he would lay the papers moved for on the table on that day, without any debate, if he should, on perusing them, find nothing in them that ought to make him wish to keep them back.

Governor *Johnstone* said, that he was of opinion the House could not with propriety enter upon the consideration of the Articles of the Peace, until they should have before them the powers under which the Commissioners had been authorised to act; and therefore, as the House had already voted that these powers should be produced, he would not consent that the vote should be erased from the minute books, unless the right honourable member should pledge himself to lay the papers on the table on Monday, without any question or debate. The learned Lord had suggested, that the right honourable Secretary wanted time to look into the papers, and try if there was any thing contained in them which ought to make him wish to keep them back; for his part, he was astonished at the suggestion, for he could not conceive that the Secretary could be ignorant of the contents of these papers; that he ought not to be ignorant of them was most certain, and he was astonished that he was not at this time so much master of the contents, as to be able almost to recite them by heart; for one might imagine, that in so new, so great, and so momentous a transaction, as was that for ceding so immense a territory as North America, a minister would have read over a hundred times the instrument or deed by which Commissioners were appointed to treat about such a cession. The learned Lord said also, that the right honourable Secretary, in order to avoid introducing any new matter of debate on Monday, which was to be dedicated to the discussion of the Preliminary Treaties, would lay the papers on the table, without entering into any arguments on the question, if he should find that they contained nothing improper to be laid before the House. What was the plain English of this, but that if he should find something in them that ought to be kept secret, he would resist a motion for laying the papers on the table; and as such papers were, in his opinion, absolutely necessary for the information of the House, he (Governor *Johnstone*) certainly would argue for their

their production, and then a debate, which ministers seemed to wish to avoid, would take place on a day which was set apart for a debate of a very different nature. He was therefore determined that the question, which had lately been carried, should remain upon the book.

Mr. Jenkinson.

Mr. *Jenkinson* argued that the papers moved for, could not contain any thing improper for that House to be acquainted with. Every man, in the smallest degree conversant with the business of office, must know, that a commission for treating of peace, and the instructions by which the commissioner was to be guided, were two very distinct instruments: it was absolutely inconsistent with official forms in this, and all other kingdoms and states in Europe, that instructions should be contained in the commission; nay, it was contrary to the nature of things; for commissioners generally were satisfied in the end of a treaty to take less than they asked at first; and no doubt, in both cases, they acted according to instructions, which if they were known, would defeat the object of treating; and if the instructions, which are always considered as secrets of state, were contained in the commission, they must necessarily come to the knowledge of the opposite party, as the first step of commissioners, when they meet to treat of peace, is to exchange commissions with one another, in order that one party may see how far the other is authorised to treat. The right honourable Secretary ought therefore from his knowledge of office, be able to pronounce at once, that the English commission could not contain any secret improper to be revealed to Parliament: as to the commission from Congress, the right honourable Secretary might say he could not speak to that with so much certainty; because they were, as yet, but little acquainted with forms of office in their infant state in America; but still it was but reasonable to believe that Congress were not so foolish as to order the instructions sent by them to their commissioners at Paris, to be inserted in their commission. He owned he wished to see the style of the American States in this important commission; therefore he humbly apprehended that there could be no shadow of objection to the production of the papers moved for by the right honourable member.

Mr. Mansfield.

Mr. *Mansfield* said a few words on the same side; and at last the Minister gave the question up, and it was ordered that the papers should be laid upon the table on Monday.

Mr. Sheridan.

Mr. *Sheridan* said, that as he was to be called upon so soon, to give his vote in approbation or disapprobation of the peace,

it

it was his duty to seek for such information as should enable him to form a just and safe judgment on so weighty and important a subject. The right honourable Secretary had stated to the House, that Holland has acceded to the proposal of a cessation of hostilities; but he had said nothing relative to the state in which the treaty between that Republic and this country at present stood; and yet it was, in his opinion, necessary that it should be known, before gentlemen could form a just and safe judgment on one of the articles of the treaty with France: the article to which he alluded was the sixteenth, wherein it is stated, "that if either of the contracting parties has any allies in India, they shall be invited to accede to the peace, and four months shall be given to them to consider of it, from the time that they shall have received such invitation; after which period of four months, it shall not be lawful for either of the contracting parties [England and France] to give these allies any assistance." — Now, as it was not stated in the article when these allies were to be invited to accede to the peace, it was in the power of France to withhold the invitation on her part as long as she pleased, and during that time, and for four months after she should have given the invitation, she would find herself at liberty to assist her allies against us; and therefore might assist the Dutch in recovering their settlements, now in our possession, or Hyder Aly in overrunning the Carnatic. In such a case he thought it would be the duty of the House immediately to address the Crown, not to part with Trincomale, until such time as peace should be concluded, and ratified with Holland. — This was a reason that made him wish to know in what state of progress the treaty between us and that Republic was at present; and therefore he would desire to be informed if Trincomale, or any other late Dutch settlements, were to be restored to Holland; if he should find that they were, then he certainly would move to address the Crown that Trincomale, &c. should not be restored until the treaty with Holland should be concluded, and peace restored to the Carnatic. — Ministers not having given any answer, he moved that such parts of the treaty at present pending between Great-Britain and Holland, as related to cessions to be made by the former to the latter, be laid before the House.

Mr. Fox seconded the motion.

The *Lord Advocate* recommended to Ministers to make a stand against questions and motions of this nature; for if they

The Lord
Advocate.

they were to answer the one and pass the other in the middle of a negotiation, it would be impossible that they should be able to conclude it with advantage to the country, or honour to themselves. He wondered how any member could ask such a question as the honourable gentleman had proposed : if Ministers should say that Trincomalee probably would be given up, from that moment Trincomalee was gone ; for the Dutch finding that Ministers would not remain inflexible in refusing to restore that settlement, then no doubt they would insist on the restoration of it. Upon the whole he wished Ministers would firmly resist questions of so improper and dangerous a tendency.

Governor
Johnstone.

Governor *Johnstone* was of opinion, that the difficulty or doubt started by the honourable member, arising out of the sixteenth article of the treaty with France was far from being ideal, and the matter, in his opinion, deserved a very serious consideration.

Mr. Chan-
cellor Pitt.

Mr. *Chancellor Pitt* rose with great warmth, and inveighed with great vehemence against the motion : he said, he believed, that there were not two men in the House, who could approve of such a motion, except the honourable member who made it, and the honourable member who spoke last, who had seconded it. Here he was interrupted by Governor *Johnstone*, who observed, that the motion had not been seconded by him, (for he did not approve of it) but by an honourable member, [Mr. Fox] whose countenance to the motion would be of infinitely more weight than his could possibly be ; but though he had not seconded the motion, still he must contend, that the difficulty started by the honourable mover of the question was of a very serious nature, and well deserved the attention of the House.

Governor
Johnstone.

Mr. Chan-
cellor Pitt.

Mr. *Chancellor Pitt* proceeded : he said, if he had been mistaken in saying that the honourable member had seconded the motion, it was not at all wonderful, as the honourable member had spoken in approbation of what the mover of the question had started ; and as he knew that he was not very unlikely to second such a motion. But it was wonderful indeed, how any man of common understanding could propose a measure that struck at the foundation of the practice of Parliament, and the history of the country ; it was unprecedented, it was absurd, it was preposterous, to propose questions which inverted the proceedings of the House, and would involve them in disgrace. Did any member ever hear of Ministers rising up in their places, and proclaiming to the House

House the secrets of a treaty still depending? Could any thing be more absurd, more contrary to the plain dictates of common sense, or the forms of the House, than such a conduct? If the honourable member wished to act with propriety, why did he not move to advise the Crown not to part with Trincomale? If there was any fault or impropriety in wording the article in question, why not move a censure on Ministers, for having advised his Majesty to ratify it? Why, in a word, not do any thing but what the honourable member had done? For a more preposterous thing he could not have done, than to call for the particulars of a treaty before it was concluded. He trusted, therefore, that in his cooler judgment he would withdraw his motion.

Mr. Fox assured the House, that his motive for seconding the motion, and he was convinced it was the sole object his honourable friend had in view in making it, was to obtain information, which, in the present moment, at the eve of the great and important discussion of the preliminaries of peace, was absolutely necessary for every member, to enable him to form a proper judgment, before he should give his vote on so momentous a subject; and if the right honourable member, who spoke last, had properly attended to the nature of the motion, he would not have bestowed upon it those epithets, of which, to his surprise, he had been so liberal. Either the treaty now pending between this country and Holland, had reference to, and depended on the treaty with France, or it did not; if it did not, then indeed the motion would be premature, preposterous, absurd, or any thing else the right honourable member might please to call it; for then it would not at all be necessary that we should be informed in what state the treaty with Holland was, before we should decide upon the merits of the treaty with France: but on the other hand, if the two treaties were to have reference to each other, then surely the consideration of the French treaty was to be taken up as part only of a general system of pacification, and then, of course, members must be made acquainted with the different parts, in order to be able to pronounce upon the whole. He remembered that when a motion had been made before the recess, that the Provisional Treaty with America should be laid before the House, Ministers cried, "What! call for the provisional articles, which in fact are to form part of a treaty with France, before that treaty is concluded! What injury might this do the negotiation! Wait till the whole is concluded, and it shall be laid before you." And yet,

yet, when the House had waited till the treaty was laid before them, they were not able to discover a single tittle in the provisional articles, which could have had the smallest influence on the treaty that was going on between England and France; for it appeared that they were final, conclusive, definitive, except in case of what was in itself an impossibility — an eternal war. At the time the motion was made for producing the provisional articles, one of the friends of Ministers [Lord Mahon] had cried out, “how unreasonable, how invidious would it be to call for the disagreeable part of the treaty, the recognition of the independence of the Colonies, at a time when Ministers cannot lay before Parliament the stipulations that have been made in favour of England, and the great things that have been obtained for her.” But lo! when the articles were produced, where was the eye that could discover the favours and good things stipulated for England? — He could see no solid reason for refusing to give the House some information relative to the treaty with Holland, except that Ministers might wish to display their ingenuity, in proving one thing to be good to-day, and its opposite to be good to-morrow: thus for instance, they will argue on Monday next, relative to America, that the *uti possidetis* was only a proper principle on which the treaty could or ought to be carried on: and when the Dutch treaty becomes the subject of consideration, they will then, with infinite ingenuity, contend, that restitution is the only ground or basis on which a lasting peace can be built. He would still put it to Ministers to say, whether the Dutch treaty had any reference to the treaty with France, or not: if it had not, he was satisfied that the motion should be treated with contempt: — but if it had a reference to it, he was of opinion, that Ministers ought to give the House some explanation as to the state or forwardness of that treaty: — and he was the more desirous of getting some information on this subject, as he had not a doubt but there was an understanding between our Court and that of Versailles, relative to the Dutch, being convinced, as he was, that the latter court was pledged to procure peace to Holland on certain terms already stated by that court to ours: he certainly would rejoice if his opinion on this subject was ill founded; for then we should be at peace with every power in Europe except Holland, against whom we should be then at liberty to carry on the war; and consequently we should find ourselves masters of the conditions of the peace. As to the motion before

fore the House, as it had been made solely for the purpose of obtaining information, so he would consent to withdraw it, and he made no doubt but his honourable friend would consent also, if Ministers thought that the information called for could not with propriety be given.

Mr. *Sheridan* declared, that in making the motion, he had no other object whatever than to procure such information as should enable him to form a safe judgment of the peace, and if he could not obtain that information, he would readily consent to withdraw his motion, which had been treated with so many harsh and unprovoked expressions by the right honourable member; that gentleman used frequently to recommend it to members to debate with coolness, temper, and moderation: he was sorry that in this instance the right honourable gentleman had not a little enforced the precept by example: he wished also that he had spoken in as high a tone, and held as lofty a language in making the peace, he would not then be obliged to stand so much on the defensive as perhaps he might be under the necessity of doing on Monday next; because he might, by talking and acting boldly, have made a better peace. The question was withdrawn.

Lord *Maitland* rose to move for an additional reward to General Eliott: he said, that had such a motion been made two months ago, as he was going to make now, he would have opposed it, because it would certainly be an improper interference of Parliament to address the Throne for honours on any individual, at a time, when perhaps Ministers were employed in advising the same measures to the Crown; but having now waited till all that he believed, Ministers intended to do, had actually been done, and that all falling short of what he thought due to the merits and services of General Eliott; he thought it his duty, and that of Parliament, to interfere now, and advise the Crown to bestow such signal marks of its favour on General Eliott, as might bear a proportion to his merits: that great General had for three years and a half withstood the attacks of the enemy; but particularly towards the close of the last year, the enemy determined to send such force to the siege, as should, in their opinion, make it impossible for the governor to hold out long. And so convinced were they of the success, that thinking it too great an honour for generals and noblemen to reduce such a fortress, and such a general, they sent Princes of the Blood to accept of the surrender, and bear away the glory of the victory; but the brave Eliott disappointed their hopes, and

Mr. Sheridan.

Lord Maitland.

sent them home filled with admiration at his conduct, and glorying even in their defeat, that they had seen the greatest defence that could be made by man. His lordship then drew a slight comparison between the pension of 1300*l.* a-year, granted to General Elliott, and the 3000*l.* a-year given to Colonel Barré; hinting that the latter had got more by quitting the profession, and investigating the extraordinaries of the army, than General Elliott had by raising the honour of his country and profession to the highest pinnacle of glory. He did not mean to depreciate the honour or dignity of the order of the Bath; but when he found that the same order was to be given to an officer, in other respects indeed of high rank and character in the army, [Sir Ch. Grey] for the merit of going to withdraw the troops from America, he could not think but the defence of Gibraltar deserved something more honourable than a red ribband. He asked what would the Generals of France and Spain say, whose conversation had been for so many years nearly engrossed by General Elliott, when they should hear that a red ribband, and 1300*l.* was all that had been given to that great General for one of the most famous defences recorded in history? — He concluded by moving that an humble address be presented to his Majesty, that he will be graciously pleased to confer some signal mark of his royal favour on General Sir Augustus Elliott, K. B. Governor of Gibraltar, for his noble and gallant defence of that most valuable fortress.

Ld Parker. Lord *Parker* seconded the motion. Related as he was to General Elliott, he could have wished not to have interfered in a business of this nature, if Ministers had not, in his opinion, been strangely negligent in the duty they owed the public, by which they were bound to bestow honours with a bountiful hand, where they were deserved, in order to keep up that emulation which is the soul of military men. He was sorry that Ministers had given a pecuniary reward to the gallant General: honorary rewards were best adapted to those men, the very foundation and support of whose profession was honour. The circumstances of the brave General did not stand in need of a pecuniary reward: it was true, indeed, that his appointments as Governor were by no means sufficient to support the expence he was at during the siege; for he would be bold to say, that the place had been, in a great measure, defended by the generous distribution of such necessaries among his officers and men as he could procure by means of his private fortune. If the pension was granted to him,

him, in order to reimburse him these expences, he would acknowledge that it was a handsome provision; but then he was sorry it was to descend to his son. As to the red ribbon, it was, no doubt, a very honourable badge; but he could say it from his own knowledge, that the General, seeing it was bestowed sometimes on persons not the most deserving of it, had ceased to deem it honourable; so much, indeed, was he confirmed in this opinion, that he once refused it when offered to him; and he believed, that on the present occasion, if it should be offered to him by Ministers, he would send it back with contempt: but if it should be sent to him as a mark of his royal master's favour, as such he would receive and wear it with gratitude. His Lordship then compared the defence of Gibraltar with other services; and he confessed, that if the service of the 27th of July was rewarded with a peerage, he was at a loss to say what ought to be the reward of the defender of Gibraltar.

Lord *Beauchamp*, on constitutional principles, opposed the motion, and moved for the order of the day. He was afraid that a precedent of this nature might lead to consequences in which it would be found that the legislative would invade the executive branch of government.

Sir Charles Cocks seconded Lord *Beauchamp's* motion.

Mr. *Secretary Townshend* supported the latter motion. He said, the pension produced to General Elliott 1500l. a year nett money; and what made it a greater reward was, that it was to last during the lives of the General and his son. He then defended Colonel Barré, and shewed that he did not get his pension for quitting his profession; but his steady and upright conduct in Parliament had forced him out of his profession. He mentioned General Grey and Sir John Jarvis, the two illustrious knights, between whose stalls the gallant General was to take his seat in Henry VIIIth's chapel. This was not dishonourable company. As to what French and Spanish generals would say of a noble military order, and a pension for two lives of 1500l. a year, when put into livers, it might be thought a slight honour by those foreign generals who have such ample appointments.

General *Conway* thought no honour which could be bestowed on General Elliott would be greater than his deserts; still he did not think it proper for the House of Commons to interfere: the red ribbon was an honourable distinction; but he wished there was in this country, as there is in other countries, an order set apart entirely for military men; and if

it depended upon him, there should be such an order before long : but at present, taking in every thing, as General Eliott was in the very highest rank of the military profession, as he had the Order of the Bath, and a pension of 1500l. a year, he could not be said to be neglected.

Gov. Johnstone.

Governor *Johnstone* said, he should vote for the order of the day : but still he thought enough had not been done for General Eliott ; his was an extraordinary case ; the siege of Gibraltar was such as might never happen again, or at least might not happen for centuries ; it was to be compared only to the sieges of Rhodes and Malta : and therefore Ministers ought not to tie themselves down to, and be led by precedents which had no analogy to the defence of Gibraltar.

Mr. Geo. Onslow.

Mr. *Geo. Onslow* spoke in high terms of General Eliott, whom he would always mention with the highest respect, and as a most noble and honourable character, according to the advice of Horace :

Semper honoratum siforte reponis Achillem.

But still he would vote for the order of the day, because he would not countenance what he would call an invasion of the prerogative of the Crown.

Mr. Dempster.

Mr. *Dempster* spoke strongly in support of Lord Maitland's motion ; declaring at the same time, that he had no manner of acquaintance with the gallant General ; and that he acted therefore solely from his feelings of gratitude to a man who had so greatly distinguished himself and served his country.

General Ross spoke also : but from the buzz in the House all the time he was speaking, we could not distinguish what he was saying.

The question was at length called for, and the House divided ; when there appeared, for the order of the day 92, against it 18.

February 17.

This being the day appointed for taking into consideration the Preliminary Articles of Peace, the House was uncommonly crowded. There were upwards of four hundred and fifty members present in the beginning of the day.

Mr. Secretary Townshend laid upon the table the commissions of Mr. Oswald, and of the American Commissioners.

The following are office copies of these state papers, taken from the table of the House,

*Office Copy of the first Commission of the Court of Great Britain
to Richard Oswald, Esq.*

George the Third, by the Grace of God, King of
Great Britain, France, and Ireland, Defender
of the Faith, &c.

*To our trusty and well-beloved Richard Oswald, of our City of
London, Esquire, greeting :*

WHEREAS, by virtue of an act passed in the last session of Parliament, intituled, An Act to enable his Majesty to conclude a Peace or Truce with certain Colonies in North America therein mentioned, it is recited, that it is essential to the interest, welfare, and prosperity of Great Britain, and the colonies or plantations of New Hampshire, Massachusetts Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, the three lower counties on Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, in North America, that peace, intercourse, trade, and commerce should be restored between them, Therefore, and for a full manifestation of our earnest wish and desire, and of that of our Parliament, to put an end to the calamities of war, it is enacted, that it should and might be lawful for us to treat, consult of, agree, and conclude with, any Commissioner or Commissioners named, or to be named, by the said Colonies or Plantations, or with any body or bodies corporate or politic, or any assembly or assemblies, or description of men, or any person or persons whatsoever, a peace or a truce with the said Colonies or Plantations, or any of them, or any part or parts thereof, any law, act, or acts of Parliament, matter or thing, to the contrary in any wise notwithstanding : Now know ye, that we, reposing especial trust in your wisdom, loyalty, diligence, and circumspection, in the management of the affairs to be hereby committed to your charge, have nominated and appointed, constituted and assigned, and by these presents do nominate and appoint, constitute and assign, you, the said Richard Oswald, to be our Commissioner in that behalf, to use and exercise all and every the powers and authorities hereby entrusted and committed to you, the said Richard Oswald; and to do, perform, and execute all other matters and things hereby enjoined.

enjoined and committed to your care, during our will and pleasure, and no longer, according to the tenor of these our Letters Patent. And it is our Royal will and pleasure, and we do hereby authorise, empower, and require you, the said Richard Oswald, to treat, consult of, and conclude with any Commissioner or Commissioners, named, or to be named, by the said Colonies or Plantations, and any body or bodies corporate or politic, or any assembly or assemblies, or description of men, or any person or persons whatsoever, a peace or truce with the said Colonies or Plantations, or any of them, or any part or parts thereof, any law, act, or acts of Parliament, matter or thing, to the contrary in any wise notwithstanding. And it is our farther will and pleasure, that every regulation, provision, matter, or thing, which shall have been agreed upon between you, the said Richard Oswald, and such Commissioner or Commissioners, body or bodies corporate or politic, assembly or assemblies, description of men, person or persons, as aforesaid, with whom you shall have judged meet and sufficient to enter into such agreement, shall be fully and distinctly set forth in writing, and authenticated by your hand and seal on one side, and by such seals or other signature on the other, as the occasion may require, and as may be suitable to the character and authority of the Commissioner or Commissioners, &c. as aforesaid, so agreeing; and such instruments, so authenticated, shall be by you transmitted to us, through one of our principal Secretaries of State. And it is our farther will and pleasure, that you, the said Richard Oswald, shall promise and engage for us, and in our royal name and word, that every regulation, provision, matter, or thing, which may be agreed to and concluded by you, our said Commissioner, shall be ratified and confirmed by us, in the fullest manner and extent; and that we will not suffer them to be violated or counteracted, either in whole or in part, by any person whatsoever. And we do hereby require and command all our officers, civil and military, and all our other loving subjects whatever, to be aiding and assisting unto you, the said Richard Oswald, in the execution of this our commission, and of the powers and authorities herein contained: provided always, and we do hereby declare and ordain, that the several offices, powers, and authorities hereby granted, shall cease, determine, and become utterly null and void, on the first day of July, which shall be in the year of our Lord one thousand seven hundred and eighty-three, although we shall not otherwise in the

the mean time have revoked and determined the same. In witness, &c.

Witness ourself at Westminster, the seventh day of August, in the twenty-second year of our reign.

By the KING himself.

Examined by the original record,
HENRY THOMAS,
Senior Clerk of the Petty Bag.

Office Copy of the second Commission of the Court of Great Britain, to Richard Oswald, Esquire.

George the Third, by the Grace of God, King of Great Britain, France and Ireland, Defender of the Faith, &c.

To our trusty and well-beloved Richard Oswald, of our City of London, Esquire, greeting:

WHEREAS, by virtue of an act passed in the last session of Parliament, intituled, An Act to enable his Majesty to conclude a Peace or Truce with certain Colonies in North America therein mentioned, it is recited that it is essential to the interest, welfare, and prosperity of Great Britain and the Colonies or Plantations of New Hampshire, Massachusetts Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, the three lower counties on Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia in North America, that peace, intercourse, trade, and commerce should be restored between them, "Therefore, and for a full manifestation of our earnest wish and desire, and of that of our Parliament to put an end to the calamities of war, it is enacted that it should, and might be lawful for us to treat, consult of, agree and conclude with, any Commissioner or Commissioners named, or to be named, by the said Colonies or Plantations, or any of them respectively, or with any body or bodies corporate or politic, or any assembly or assemblies, or description of men, or any person or persons whatsoever, a Peace or a Truce with the said Colonies or Plantations

tations, or any of them, or any part or parts thereof, any law, act or acts of Parliament, matter or thing to the contrary in any wise; notwithstanding, now, know ye, that we, reposing especial trust in your wisdom, loyalty, diligence and circumspection in the management of the affairs to be hereby committed to your charge, have nominated and appointed, constituted and assigned, and by these presents do nominate and appoint, constitute and assign you, the said Richard Oswald, to be our Commissioner in that behalf, to use and exercise all and every the powers and authorities hereby entrusted and committed to you, the said Richard Oswald, and to do, perform, and execute all other matters and things hereby enjoined and committed to your care during our will and pleasure, and no longer, according to the tenor of these our Letters Patent; and it is our royal will and pleasure, that we do hereby authorise, empower, and require you, the said Richard Oswald, to treat, consult of, and conclude with, any Commissioners or persons vested with equal powers by, and on the part of the Thirteen United States of America, viz. New Hampshire, Massachuset's Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, the three lower counties on Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, in North America, a Peace or a Truce with the said Thirteen United States, any law, act or acts of Parliament, matter or thing, to the contrary, in any wise notwithstanding; and it is our further will and pleasure, that every regulation, provision, matter or thing, which shall have been agreed upon between you, the said Richard Oswald, and such Commissioners or persons as aforesaid, with whom you shall have judged meet and sufficient, to enter into such agreement, shall be fully and distinctly set forth in writing, and authenticated by your hand and seal on one side, and by the hands and seals of such Commissioners or persons, on the other; and such instrument, so authenticated, shall be by you transmitted to us through one of our principal Secretaries of State; and it is our further will and pleasure, that you, the said Richard Oswald, shall promise and engage for us, and in our royal name and word, that every regulation, provision, matter, or thing, which may be agreed to and concluded by you, our said Commissioner, shall be ratified and confirmed by us, in the fullest manner and extent, and that we will not suffer them to be violated or counteracted, either in whole or in part, by any person whatsoever. And we do hereby require and command all our officers, civil and military, and all other

other our loving subjects whatsoever, to be aiding and assisting unto you, the said Richard Oswald, in the execution of this our Commission, and of the powers and authorities herein contained, provided always, and we do hereby declare and ordain, that the several offices, powers and authorities hereby granted, shall cease, determine and become utterly null and void on the first day of July, which shall be in the year of our Lord one thousand, seven hundred and eighty three, although we shall not otherwise in the mean time have revoked and determined the same. And whereas, in and by our commission and Letters Patent under our great seal of Great Britain, bearing date the seventh day of August last, we nominated and appointed, constituted and assigned you, the said Richard Oswald, to be our Commissioner, to treat, consult of, agree and conclude with, any Commissioner or Commissioners, named or to be named, by certain Colonies or Plantations in America, therein specified, a Peace or a Truce with the said Colonies or Plantations; now, know ye, that we have revoked and determined, and by these presents do revoke and determine our said commission and Letters Patent, and all, and every power article and thing therein contained. In witness, &c.

Witness Ourselves at Westminster, the twenty-first Day of September, in the twenty-second year of our reign,

By the KING himself.

Examined by the original record.

HENRY THOMAS,

Senior Clerk of the Petty Bag.

Copy of the Commission of the United States of America.

To John Adams, Benjamin Franklin, John Jay, Henry Laurens, Thomas Jefferson, Esquires.

The UNITED STATES of AMERICA,

In Congress assembled.

To all whom these presents shall come, send greeting :

WHEREAS these United States, from a sincere desire of putting an end to the hostilities between his most Excellent Majesty and these United States on the one part, and

Britannic Majesty on the other, and of terminating the same by a peace, founded on such solid and equitable principles, as reasonably to promise a permanency of the blessings of tranquillity, did heretofore appoint the honourable John Adams, late a Commissioner of the United States of America, at the court of Versailles, late a Delegate in Congress from the State of Massachusetts, and Chief Justice of the said State, their Minister Plenipotentiary, with full powers, general and special, to act in that quality, to confer, treat, agree and conclude, with the Ambassadors or Plenipotentiaries of his most Christian Majesty, and of his Britannic Majesty, and those of any other Princes or States whom it might concern; relating to the re-establishment of peace and friendship. And whereas the flames of war, have since that time been extended, and other Nations and States are involved therein; Now know ye, that we still continuing earnestly desirous, so far as depends upon us, to put a stop to the effusion of blood, and to convince the powers of Europe, that we wish for nothing more ardently than to terminate the war by a safe and honourable peace, have thought proper to renew the powers formerly given to the said John Adams, and to join four other persons in commission with him, and having full confidence in the integrity, prudence, and ability of the honourable Benjamin Franklin, our Minister Plenipotentiary at the court of Versailles, and the honourable John Jay, late President of Congress, and Chief Justice of the State of New York, and our Minister Plenipotentiary at the court of Madrid; and the honourable Henry Laurens, formerly President of Congress, and commissioned and sent as our agent to the United Provinces of the Low Countries; and the honourable Thomas Jefferson, Governor of the Commonwealth of Virginia, have nominated, constituted and appointed, and by these presents do nominate, constitute, and appoint the said Benjamin Franklin, John Jay, Henry Laurens, and Thomas Jefferson, in addition to the said John Adams; giving and granting to them, the said John Adams, Benjamin Franklin, John Jay, Henry Laurens, Thomas Jefferson, or the majority of them, or such of them as may assemble, or in case of the death, absence, indisposition, or other impediment of the others, to any one of them, full power and authority, general and special, conjunctly and separately, and general and special command, to repair to such place as may be fixed upon, for opening negotiations for peace; and there for us, and in our name to confer,

• treat,

treat, agree, and conclude with the Ambassadors, Commissioners, and Plenipotentiaries of the Princes and States, whom it may concern, vested with equal powers relating to the establishment of peace; and whatsoever shall be agreed and concluded for us, and in our name to sign, and thereupon to make a treaty or treaties, and to transact every thing that may be necessary for completing, securing, and strengthening the great work of pacification in as ample form, and with the same effect, as if we were personally present, and acted therein; hereby promising in good faith, that we will accept, ratify, fulfil and execute, whatever shall be agreed, concluded and signed by our said Ministers Plenipotentiary, or a majority of them, or of such of them as may assemble; or in case of the death, absence, indisposition, or other impediment of the others, by any one of them; and that we will never act, nor suffer any person to act, contrary to the same in whole, or in any part.

In witness whereof we have caused these presents to be signed by our President, and sealed with his seal.

Done at Philadelphia the 15th day of June, in the year of our Lord one thousand seven hundred and eighty-one; and in the fifth year of our independence; by the United States in Congress assembled.

(Signed)

(L. S.) SAM. HUNTINGTON, President.

Attest,

CHARLES THOMPSON, Secretary.

Paris, October 1, 1782. I certify that the foregoing is a true copy of the commission of which it purports to be a copy, and which is now shewn to Mr. Oswald.

(Signed)

JOHN JAY,

One of the Commissioners therein named.

A true copy, the original duplicate remaining in my hands.

RICHARD OSWALD.

DISCUSSION OF THE PRELIMINARY ARTICLES.

About four o'clock the order of the day was called for, and Mr. Secretary Townshend moved, that the preliminary articles of peace with France, the preliminary articles of peace with Spain, and the provisional articles with America be read. This being done.

Mr. Thomas Pitt.

Mr. *Thomas Pitt* then rose to move the address; he began with saying he felt mixed sentiments of regret and satisfaction: that whilst he congratulated the House and the country upon seeing the progression towards certain ruin stopped, and a period put to such a complication of evils as had scarce ever combined together, he could not without pain reflect that in the course of so few years, all our boasted empire upon the continent of North America was reduced to little more than the acknowledged possession of France at the outset of the last war. That a peace was always unpopular, if the war was prosperous, the hopes were disappointed; if disastrous, the concessions were humiliating, that if he had any thing to build upon popularity, or if prudence was his character, he should content himself with a silent vote upon the occasion, rather than draw upon himself clamour from without doors, and the attack of party spirit within. That, however, popular prejudice gave way to time, and truth sooner or later carried conviction with it. That as to ministers and the candidates for ministry, he looked upon them as dealers in the same merchandize, that they discredited each others wares to recommend their own, and to draw customers to them. That thinking men admired their ingenuity, but reduced their arguments to their just value.

That the question before the house was simply this, whether such a peace was better than such a war. He then proceeded to shew the necessity of peace from the state of the country. He proved by papers upon the table, that the interest of the public debt, was encreased from less than four millions and a half at the beginning of Lord North's war, to near nine millions and a half at present. That this six years war had cost us therefore considerably more than all the successes of the Duke of Marlborough and Lord Chatham, and all the wars put together from the time of the revolution for near a century. That it had entailed a permanent burthen upon the land of England in her reduced state, of ten shillings in the pound additional land-tax; that our expence in peace would be from fourteen to fifteen millions per annum,

annum, with an income of eleven millions : that he remembered the close of the last war, and how necessary peace was then thought by some of the wisest authorities. What would they now say were they to give their opinions upon the present question. The price now paid by us for our peace to France and Spain, was the sacrifice of one small island in the West-Indies, two Floridas, the island of Minorca dismantled, therefore useless to us, and some immaterial advantages in their fishery and in their settlements in the East Indies. Price paid by France at the last peace, Dominica, Grenada, the Grenadines, Tobago, St. Vincents, all her possessions in Canada and North America, humiliating restraints upon her fishery ; in Europe, Minorca ; in Africa, Senegal ; in India she consented that her settlements in Bengal should be defenceless, and contented herself with the trade after abandoning all her projects of dominion ; and Spain yielded up the two Floridas.

That as to America, their independence was no concession, since you could not deprive them of it. That the extent of their boundary was no disadvantage to you, but was well chose to prevent all future contests by lakes and rivers, common to both countries ; that Canada left us more territory than he hoped would ever be settled from this country. That the interest of the sincere Loyalists were as dear to him as to any man, but that he could never think it would have been promoted by carrying on that unfortunate war which parliament had in fact suspended before the beginning of the treaty. That it was impossible after the part Congress was pledged to take in it, to conceive that their recommendation would not have its proper influence on the different legislatures ; that he did not himself see what more could have been done on their behalf, except by renewing the war for their sakes, and increasing ours and their calamities. That those who had constantly been holding out to us the prosperities of this country, her inexhaustible resources, the subjugation of America and all the golden dreams with which we were so long deluded, would, he doubted not, condemn this peace as ignominious, or any other, by which we did not give the law to the belligerent powers ; that they talked and acted as foolish gamesters, whose passions bind them more strongly to persevere the more their losses gall them, — that wise men would think you could not too soon rise up from a losing game, and that all he should answer to such arguments was, to rejoice that such a spirit of infatuation did no longer guide
our

our councils. That if others who felt as he did the necessity of peace, and had knocked at every door to sue for it, agreeing with him on the premises, rejected the conclusion, it would remain for them to prove that there was some difference so essential in our favour between the present terms and what they would have adopted, as to compensate the expence of another year's war; in which case he did not doubt the King of France would yield instantly to those conditions, upon paying the sixteen or twenty millions, such a delay would incur to Great Britain. He then adverted to the necessity of changing our plan of commercial regulations, and concluded with expressing his hearty thanks to the Ministers for having brought us out of our difficulties under every possible discouragement, which nothing but their courage and firmness could have got the better of. That he might possibly differ with them in their future measures, but he should always feel pain in so doing, from the recollection of the very important service they now did their country.

He then moved, "That an humble address be presented to his Majesty, to return his Majesty the thanks of this House for his gracious condescension in ordering to be laid before us the Preliminary and Provisional Articles of the different Treaties which his Majesty hath concluded, and to assure his Majesty, that we have considered them with that attention which so important a subject requires. To express in the most dutiful manner to his Majesty our satisfaction, that his Majesty has, in consequence of the powers entrusted to him, laid the foundation, by the Provisional Articles, with the States of North America, for a treaty of peace, which we trust will ensure perfect reconciliation and friendship between both countries. That in this confidence we presume to express to his Majesty our just expectation that the several States of North America will carry into effectual and satisfactory execution those measures which the Congress is so solemnly bound by the treaty to recommend, in favour of such persons as have suffered for the part which they have taken in the war; and that we shall consider this circumstance as the surest indication of returning friendship. And to acknowledge to his Majesty our due sense of that wise and paternal regard for the happiness of his subjects, which induced his Majesty to relieve them from a burthen-some and expensive war, by the Preliminary Articles of Peace concluded between his Majesty and the Most Christian and Catholic Kings. To assure his Majesty, that we shall encourage

courage and promote every exertion of his subjects of Great Britain and Ireland, in the cultivation and improvement of those resources which must tend to the certain augmentation of our public strength, and that, with these views, we shall most diligently turn our attention to a revision of all our commercial laws, and endeavour to frame them upon such liberal principles as may best extend our trade and navigation, and proportionably encrease his Majesty's naval power, which can alone encrease the prosperity of his dominions."

Mr. *Wilberforce* rose to second the motion. Peace was essential, he said, to the country at this time. The immense sums we had already lavished in a mad, unfortunate, and a calamitous war, had nearly exhausted our resources; and, without resources, it was impossible to proceed. — When we began the war, Ministers held out to that House ideas which experience had proved to be impracticable, and which had cost us so dear, that even were we frantic enough to encourage a farther pursuit of them, we were not able to do it. As a proof of this assertion, he referred the House to the melancholy detail of the condition of our finances just read by his honourable friend, who made the motion. He next stated the number of our enemies, and, after dwelling upon the superior power of the Confederacy, reminded the House that we were without an ally. He advised gentlemen to distinguish between force, and the resources to support it; we might have a numerous navy, and a large body of seamen, but what use could we make of either, without money to maintain them? Force was the body and materials of the machine, money was the main spring that set it in motion. He advised gentlemen, who were inclined to favour a prosecution of the war, to look at the last campaign, when we were acknowledged to be superior; did we not even last campaign act merely on the defensive? What hopes then could be formed from pursuing the war any longer? The risque would have been great in every point of view, the expence large at a certainty, and the probable gain inconsiderable at best, compared to both. If we were asked, what ought to be the principle on which a peace should be founded? It should be with a view to recover our resources, and to restore our commerce; in order to effect which purposes, the terms should be likely to give it permanency; the best way of effecting this, he thought, was to look if there was not in our possession things which hurt the

Mr. Wil-
berforce.

the pride of the enemy — marks of galling superiority. If there were so, it would surely be wise to concede them for something valuable in return. This principle had clearly been adverted to in the present peace. With regard to the treaty with America, gentlemen would recollect *that* peace was absolutely ordered by Parliament; all therefore that had been done under their direction was not to be altered by Ministers, nor to be imputed to them. When he considered the case of the loyalists, he confessed he there felt himself conquered; there he saw his country humiliated; he saw her at the feet of America! Still he was induced to believe, that Congress would religiously comply with the article, and that the loyalists would obtain redress from America. Should they not, this country was bound to afford it them. They must be compensated; Ministers, he was persuaded, meant to keep the faith of the nation with them, and he verily believed, had obtained the best terms they possibly could for them. An idea had at one time prevailed of a separate peace with America. That, however, could not be reduced to practice, America was in the hands of France. Had she had the power of treating singly, it would be inconsistent to say, we were not willing to give her enough; all that had been urged about the leaving the 5th article as it stood, proved it incontestibly. Mr. Wilberforce acknowledged, with regard to the loss of part of our power in the East Indies, the African trade, the Newfoundland fishery, and an island in the West Indies; he felt the loss of these matters as much as any man, but considering the humiliating terms we held out to France at the end of the last war, he did not see how better terms could be obtained by us now, and considering what Parliament had ordered respecting America, attention to the revenue demanded, that peace should, if possible, be immediately made with France. If gentlemen would look at the last peace, they would see that some use had been made of the success of the summer, and disadvantageous as the present peace might be stated to be, sufficient was still left to this country, to enable us to become a great and a flourishing people. He further added, that if the present peace did not receive the sanction of that House, no Minister would in future dare to make such a peace as the necessity of the country might require; this was a serious consideration, and well worth attention. Mr. Wilberforce made a short appeal to two uniting parties, as
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he understood there were on the other side of the House, and concluded with seconding the motion.

Lord *John Cavendish* agreed with the greatest part of what had fallen from the right honourable gentleman who made the motion, and the honourable gentleman who seconded it, but differed in some particulars materially. No man loved peace more ardently than he did. He was glad therefore to accede to it, on almost any terms. But the arguments used by the former gentleman in support of the present peace would equally apply to the worst peace that could possibly be made, and were at once a bar to all reasoning upon the merits of any peace. The honourable gentleman had stated a question, that did not appear to him to be the question on which the debate ought to turn. He had said, the sole question was, Will you have this peace, or continue the war? This was not, in his humble conception, the question to be considered. There could not be two opinions upon it; every man would prefer the peace, such as it was. The true question was, "Under our present circumstances, could a better peace have been obtained?" — This was a question of very material importance, and to which he could not answer of a sudden. It must be seriously enquired into and deliberately discussed. The present might be the best peace possible, but the House were not yet competent to say, whether it was or was not. The whole of the evidence was not before them, till the treaty with the Dutch came, which necessarily had a reference to the papers on the table, and was one part out of four that completed the general peace; the House would then be able to enquire and to decide. In the mean time the House would act wisely, to suspend their opinion. In the treaties there were grounds of objection. With regard to Dunkirk, he did not quite agree in opinion as to its importance, with those who made the treaty of Utrecht. The honourable gentleman who spoke last, had stated, that we had no resources to carry on the war any longer. He knew not what resources we had; but, though he wished to defer the judgment of the House upon the important papers submitted to their consideration, he meant not to disturb the peace. He meant to confirm it. If there was any distinguishing fault in the making of the peace of 1763, he had at the time thought too much eagerness had been shewn by those who negotiated it; perhaps that had been the fault now, and the Minister had hurt the interests of the country by his anxiety to conclude the peace, in order to secure his continuance

Lord John
Cavendish.

nuahee in office. The address that had been just moved, his Lordship observed, stated, "that the House had taken the treaties into their most serious consideration, &c." this, he believed, was not strictly true; he should therefore move an amendment, wherein he should correct this false assertion, and by which his intention was to assure his Majesty of their inviolable resolution to preserve the national faith. His Lordship concluded with moving in amendment, that instead of the words "have considered," should be inserted the words "will consider;" and then moving that all the rest of the original address should be left out, he proposed the following words;

"His faithful Commons will proceed to consider the same with that serious and full attention which a subject of such importance to the present and future interests of his Majesty's dominions deserve. That in the mean time they entertain the fullest confidence in his Majesty's paternal care, that he will concert with his Parliament such measures as may be expedient for extending the commerce of his Majesty's subjects.

"That whatever may be the sentiments of his faithful Commons on the resolution of this investigation of the terms of pacification, they beg leave to assure his Majesty of their firm and unalterable resolution, to adhere inviolably to the several articles for which the public faith is pledged, and to maintain the blessings of peace, so necessary to his Majesty's subjects, and the general happiness of mankind."

The Hon.
Sir Andrew
St. John.

The Honourable Sir *Andrew St. John* seconded the amendment. He said, that the ruin of the nation from the excess of debts, and the increase of taxes, was the ground upon which the objections to wars in general were built by all former advocates for peace; and as they were mistaken in their prognostications, when the debt of the nation did not amount to twenty millions, so it was possible the advocates for the present peace might be equally mistaken. It had been asserted, that we were to have continued merely on the defensive; but to this opinion he would by no means subscribe; for the relief of Gibraltar by Lord Howe, in the face of a superior force, shewed that we were secure from any attack at home; and the glorious victory of Lord Rodney in the West Indies, and the consequences that it had produced, demonstrated that we were able to act offensively in that part of the world,

Lord

Lord North spoke next. In all the thirty years, says his Lordship, in which I have had the honour of serving my country in this House, I do not remember to have arisen with more anxiety and reluctance than I feel on the present occasion. Although I am neither a Minister, nor, on any consideration, a candidate to become a Minister, yet I cannot but sympathize with Ministers, from my experience of their situation. Knowing the state of the nation, the necessity there was for peace, the enormous expence of war, it was my hope and desire not to have said any thing inimical to the Preliminaries of the Peace, which are now before our consideration; indeed, I could have wished to have been entirely silent on this subject. Considering that the power of making peace and war was, very salutarily for the whole, confided in the discretion of the Crown, I had trusted that Ministers would have built the Preliminaries upon the most permanent foundation. I could not have imagined they would have conceived or felt the necessity of saying themselves a syllable on the occasion. I depended on their imitation of that great man [Mr. Pelham] when he was the minister, in circumstances exactly similar to their own. That minister, who, having made the peace of Aix la Chapelle, at the conclusion of an unsuccessful war, like the present, with that simplicity and confidence which marks the conduct of a great and an honest man, presented the treaty to the consideration of the House without a tittle of preamble. He declared that he would not speak in its vindication. To say any thing in its vindication, would be a tacit condemnation. He, therefore, like a great, good, and a wise man, left the House to consider on the propriety of his peace from the relative state of the country. If the relative state of the country could not countenance the peace, it would be as nugatory as it was impertinent to intrude his argument in its favour. The treaty was considered. It was no sooner considered than approved. There was no part that could suggest an idea of censure on the Minister's conduct. It was my hope that this peace would have been similar in its deserts and its approbation: then I should, happily and very satisfactorily to me, have been exempted from breaking my silence. But as, on the contrary, being called on, not only to accede, not even to give my silent vote, but to give to this treaty my approbation; to term it meritorious; to praise the Minister who made it, and to sanctify it with that parliamentary approval

which nothing could authorise, but a clear and positive certainty of its being beneficial to the general interests of the empire, I must advance to a candid, liberal, and necessary discussion of its merits. Beside, I am absolutely not only called upon, but compelled to reply to a direct accusation of past conduct: an enquiry into which I shall always be more happy to meet than to recede from. So that, however unwilling I might have been thought to have met such a discussion, it would have been entirely impossible, not to say derogatory from every principle of honour, which I trust I shall as much merit as preserve, to have avoided the discussion of the present subject. The right honourable gentleman who has moved the address, has so pointedly and personally directed himself to me, that I cannot avoid giving publicly my private sentiments on these Preliminaries. Neither can I avoid stating the reasons which render it impossible for me to accede to that species of unlimited approbation moved for by the right honourable gentleman who opened the debate: and, although I experience the greatest difficulty in stating these reasons, yet I feel a much greater to withhold them. Were I to suppress my reasons, I should be considered as giving my tacit approbation of that conduct, which I am afraid my country will feel as much cause as I do for condemnation. But, on the contrary, should I give my sentiments, they may be construed by the House into a desire to impede and obstruct the operations of Government, and a disposition to carry on a war which has, I must own, too fatally proved disastrous to the welfare of Britain: but whatever may be the extent of this opinion, nothing can be more false; I am therefore compelled to rise. I hope that I shall be understood, in this necessity, not to mean the least impediment to the operations of Government, nor to join in any personal, prejudiced, or vindictive censure of Ministers; or in any particular to counteract, or to frustrate, the peace which has been with so much difficulty concluded. Not that I wished to have been the cause of the peace, which, in my opinion, has been constitutionally made under the wing of prerogative; or to subject its advisors, who were responsible. I will declare my reasons candidly and unreservedly, why I cannot agree to the propriety of the approbation moved by the right honourable gentleman, and why I shall espouse the amendment proposed by the noble Lord. At the same time that the amendment proposed gives a sanction to the peace,

peace, by an assurance of inviolably adhering to the several articles to which the Ministers have pledged the public concurrence, in my opinion very pertinently, properly, and indispensibly expresses, that his Majesty's faithful Commons will hereafter proceed to consider the articles with that serious and adequate attention which such an important subject deserves. The honourable gentleman who moved the address has put the question to me, "If you approve not of this peace, can you make a better?" This is a question I will not pretend to answer. Those who were employed in making this peace must know much better than I the possibility of making a better peace. All I can observe upon this question is, that from the situation of the country, I will ask, Whether this is such a peace as ought to have been made? Ministers may deprecate the censure of Parliament, by asking them, Could they do better? But this can be no excuse with the people, who find their hopes, confidence, and expectations disappointed.

Having read the Preliminary Articles, and the Provisional Treaty, with the most fair and impartial attention, I cannot find in any one article any ground for the assertion, that they have been concluded on the principle of *uti possidetis* with the house of Bourbon. In regard to France, the House will perceive, that by the fifth article they are permitted to fortify the islands of St. Pierre and Miquelon. This is not mentioned by the right honourable author of the motion. He has not observed, that this was carefully avoided in all former treaties. He has not observed, how materially this affected the Newfoundland fishery, by rendering the stipulation infinitely more important and lucrative to France than it had ever been in any former treaty. He has not observed, therefore, that as it enables the French to carry on the fishery in time of war, it is a power which she never yet had enjoyed. This treaty has ceded St. Lucia. Of its importance, a better idea cannot be conceived, than from adverting to the number of islands which she has ceded to us as a compensation. She has restored to us Grenada, the Grenadines, St. Vincent's, Dominica, St. Christopher's, Nevis, and Montserrat. From this it is evident, that this one island in the scale of French negotiation is worth the purchase of five. Thus has she given us the superiority, *quo ad hoc* — she had made us masters of our possessions in the West Indies.

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In Africa we have ceded every thing. In India we have restored to the French all their former establishments. There is not one reserved to us on the coast of Oriza; we have also given them liberty to surround Chaudenagore with a ditch, beside engaging to take such steps as should secure a safe, practicable, and independent commerce on the coasts of Oriza, Malabar, and Coromandel; Pondicherry and Karical we have restored; we have given them possession of Mahé, and of the Comptoir at Surat; such has been the principle of *uti possidetis* with regard to our cessions and restorations in Africa and the East.

But with respect to the sixteenth Article, if I may be allowed to give my serious answer, I must candidly declare that it is not within my humble apprehension. I do not understand either its principle or its execution; I cannot conceive from this article, whether we can with any propriety consider a peace has yet been concluded, at least it appears to me not positively concluded with France. For by this article the conclusion of the peace most materially depends upon the inclination of Holland; our treaty with them has such a relative connection with that of the sixteenth article, that it is impossible to consider ourselves at peace with France, until their High Mightinesses have ratified the treaty; but as this remains to be done, the business is inconclusive, and, therefore, cannot with any precision be considered. So that nothing can farther be said on this part of the treaty than that it makes our India situation very precarious, and gives the most singular and obvious advantages to that of France. This is particularly exemplified in Hyder Aly; should he not choose to sheath his sword, he might, and undoubtedly would do us and our allies infinite mischief. What power have we to withstand his depredations? The Nabob of Arcot, a poor man, who is more under the necessity of being defended, than of possessing the power of defending; will he be able to fight Hyder Aly single handed? For the truth of this, I shall only appeal to the superior knowledge in India affairs of my learned friend, (the Lord Advocate.)

Having thus far touched upon the articles relative to the cessions and restorations in America, the West Indies, Africa, and the East Indies, I shall now proceed to give my sentiments on the seventeenth article, by which we have consented, by which we have absolved, abrogated, and suppressed every article in former treaties that has had any reference

to what has been considered, in the eyes of Europe so important and honourable to Great Britain. But, although I have to condemn the principle of this article, yet I must be free enough to confess, that I never held Dunkirk in that estimation, which has been the cause of its being so importantly considered in former treaties. I consider it not in the same point of estimation as those who made the very memorable treaty of Utrecht. But yet I cannot but own the importance of Dunkirk is very great and honourable to Great Britain, as far as it tended to perpetuate former victories, and to demonstrate present power. To keep an English Commissary on the territories of an enemy for the purpose of reporting, checking, and preventing any attempt to build, erect, repair any wall or building as a fortification—or even to clean their harbour, so as to admit of ships of a burthen beyond certain limitations, could not but debase the dignity of the French, and exalt the honour, power, and authority of ourselves; so far was the abrogation and suppression of former treaties with regard to Dunkirk impolitic—if not unnecessary. But, however, during the present war, indeed, France has forbore any attempt to erect, repair, or restore its former fortifications. This is a reason which renders it of less consequence, and of less apprehension than what it had been in former wars. But the reason is evident, France, having experienced at the conclusion of every war with Great Britain, that she has been obliged to demolish the fortifications she had erected, chose in the present war to save her money and her chagrin. Now it was more than probable she would put it into a state of immediate fortification; for now she had rid herself of what she felt not only a degradation of her character, but an insult on her weakness. We may, therefore, experience the disagreeable effects which we had in former wars, and which had been the first cause of our requiring its demolition; so that in whatever point of view I consider this treaty with respect to France, I must confess my incapacity to find what part of it has preserved the principle so much boasted of *ut possidetis*.

I have now to consider the treaty with Spain, let me view it in whatever light it presents itself, I cannot but think the cession of Minorca was unfortunate, and the cession of East Florida is improvident. The honourable gentleman is surely very wide from the truth, in saying, that as we had lost West Florida; East Florida could be of little moment in our

our possession, for in my opinion, having lost West Florida, East Florida was then to us of the greater moment. It is true, by the fourth article, British subjects are allowed to cut logwood; but this article is surely a nugatory stipulation, why was not the district specified? Why was not its situation described, and its boundaries circumscribed? Beside, why was the allotment deferred until the period of six months? These are questions that I could wish were satisfactorily answered. The place when it is allotted may prove the least agreeable to us, and the least consistent with our conveniency. As to the Bahama islands, in what bear they the least competition with the Florida we have lost, and the Florida we have ceded? You cannot look round the coast of the latter province, without seeing a number of small islands from whence our Jamaica trade will be always subject to annoy from privateers, which may be equipped and harboured in their bays, rivers, and ports. Our Jamaica trade cannot pass the Gulph of Florida without being liable to such a depredation. Since Cape Nicola Mole is fortified, they cannot find another passage. The consequence of this will prove particularly dangerous in a future war. For now we have not Georgia, which used to shelter us from the hurricanes and tempests too frequent and formidable in those seas. Had we retained Georgia, we should have congratulated ourselves on there yet being a resort for our trade and shipping, which is now unavoidably exposed to the dangers of the seas, seasons, and enemies. So that where is to be found the least ray of *uti possidetis*?

When we consider the value of Minorca, that it was always possessed with much greater ease than even the impregnable Gibraltar, that it has one of the finest harbours in the world, that it has never been that object of contention with Spain as Gibraltar has been, although it affords to us every advantage of Gibraltar, and even advantages which Gibraltar cannot afford. It is true, that Gibraltar, in its situation, is very convenient for our ships passing the straits. It is situated in a fine, healthy, and pleasant climate, and is provided with excellent water, by which our ships may be refreshed and recruited. Its situation, likewise, affords us an opportunity of keeping the Moors from annoying our trade by their corsairs. Here we can always keep that number of men of war which protects our trade from their piratical depredations; so that Gibraltar may be considered the

the bond of peace between us and the Algerines, so necessary to our commerce in the Mediterranean. But these advantages have proved, and always will prove, the cause of that discontent which will be likely to break into a war on every occasion. The Spaniards have either a pretence, possibility, or probability, of repossessing themselves of the fortress. This is not the case with Minorca; it does not lie upon the continental territories of continental dominion; it is a detached island, at some distance from their territories. Besides, as we have still our naval superiority, we could always protect its possession with more ease, while its loss must be attended with more difficulty to our enemies. This is the peculiar advantage we derive from its being an island. The harbour of Port Mahon is known and acknowledged to be the finest and most convenient in the world. Here all the navies of Europe may ride in safety, and under protection. Here our fleets might have wintered, cleaned, and repaired without either danger or interruption; our men might be permitted to refresh themselves on shore, without the danger of their deserting; so that from this island our squadrons might have been always ready to have sailed at any time to annoy the trade, alarm the coasts, and meet the fleets of our enemies without the least danger of intelligence being communicated to the enemy of their designs; a convenience which we cannot now boast of in all our remaining possessions. From its latitude it enjoys a fine climate. From possessing Minorca with such eminent advantages, we were respectable to all the Italian and Barbary states; for whether it might have been our concern to annoy theirs, or protect our own trade, its possession was invaluable. There is no nation, possessing any trade in the Mediterranean, but will always feel the consequence of that state who possesses Minorca, whether they be friends or enemies. By the possession of Florida, we had possession of harbours that would always, in a Spanish war, give us the most singular advantages with regard to our shipping, and endanger their navigation to their southern territories, was the country of no other benefit. This should have rendered it of sufficient estimation in the opinion of any minister to have kept its possession by every means of power and treaty. Nothing can more enfeeble the operations of the Spaniards in war, than an impediment to their gold trade. It is from this they derive every resource of power; so that any restraint on this part of their navigation must shrink their sinews of resource, and

enervate their system of power. Deprived of their foreign riches, they have no internal resource. Industry has not yet given them domestic strength. They have no positive power. All their strength arises from their foreign possessions. Then why have we dispossessed ourselves of the only means by which we could debilitate, if not destroy, these dependencies of their power. We have not only given them a security for their own power, but have absolutely given them the means of enfeebling our strength. I am surprised, then, at what could have given the right honourable gentleman the idea of the principle of *uti possidetis* in these Preliminaries. He may reconcile it to his own ideas, but he can never impose it on my credulity, while I retain my knowledge, experience, and judgment.

In the Provisional Treaty, I find articles that are a positive contradiction to that reciprocity set forth in their preamble. I cannot find in them any appearance of either liberal equity, or reciprocity. I have examined the treaty with the most minute attention; and, as far as my little knowledge of geography will permit me to say, I have found, if the expression may be allowed, the *reciprocity is all on one side*. The boundaries which have been drawn, are not only new in their nature, but extremely generous in their principle. By these boundaries we have given America, in Nova Scotia and Canada, a tract of country so extensive, that it comprehends twenty-four Indian nations. Here many sorts have been created and retained at an immense expence to Great Britain; but these may probably be considered merely as losses, were we to revert to the many advantages we have resigned by this cession. Why was not the boundary which is to be found in your statute-book on the table, as settled in the year 1774, thought as proper as that which is now established with regard to Canada? By this the Americans would have been at such a distance, as might not have tempted them to break that permanency of friendship which, I believe, every one conceives to be necessary to encourage. In the present boundary they have accession within twenty-four miles of Montreal. (Here his Lordship very ably particularised the forts which we had in these new boundaries resigned to America. He likewise specified the sums which had been expended by this kingdom in their erection and possession.)

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By the third article we have in our spirit for reciprocity given the Americans an unlimited right to take fish of every kind on the Great Bank, and on all the other banks of Newfoundland. But this was not sufficient. We had also given them the right of fishing in the gulph of St. Lawrence, and at all other places in the sea, where they have heretofore enjoyed through us the privilege of fishing. They have likewise the power of even partaking of the fishery which we still retain. We have not been content with resigning what we possessed, but even share what we have left. The United States have liberty to fish on that part of the coast of Newfoundland which British fishermen shall use. All the reserve is, that they are not to dry or cure the same on the island. By this grant they are at liberty to take our property, for which we have so long kept possession of the island. We now find its agreeable to the principle of reciprocity to keep Newfoundland merely for the privilege of drying and curing such fish as we have given the Americans liberty to take. This is certainly a striking instance of that liberal equity which we find is the basis of the Provisional Treaty. But where shall I find an instance of that reciprocity which is also set forth in the preamble? We have given the Americans the unlimited privilege of fishing on all the coasts, bays, and creeks, in our American dominions. But where have they, under this principle of reciprocity, given us the principle of fishing on any of their coasts, bays, or creeks? I could wish such an article could be found, were it only to give a colour to this boasted reciprocity. The advantage we should derive from such an article cannot be a consideration; for every real and positive advantage to Great Britain seems to have been entirely foreign to the intent and meaning of this peace in every particular; otherwise, I should have thought it would have been the care of administration not to have given, without the least equivalent, that permission which they could never demand as British subjects. I am at a loss to consider how we could grant, or they could claim it as a right, when they assumed an independency which has separated them from our sovereignty.

By the seventh article all hostilities are to cease, and an unreserved exchange of prisoners is to be made. We are also to withdraw, with all convenient speed, all our armies, evacuate all our garrisons, and withdraw our fleets from every part, place, and harbour within the United States — taking

especial care to leave in all fortifications the American artillery that may be therein. But where is the stipulation for our British artillery to be restored by the Americans? — We have been as liberal in our grants, as we have been forbearing in our requisitions. Surely there can be no reason for adding this as an instance of reciprocity. There seems to be a peculiar mockery in the next article, which grants us an eternal and free navigation of the Mississippi, from its source to the ocean, in participation with the United States. Such is the freedom of the navigation, that where we were not locally excluded, we had effected it by treaty. We were excluded by the northern boundary. The east is possessed by the Americans. The west had been ceded by the peace of Paris to the French, who had since granted it to the Spaniards; and each shore at its mouth is ceded by the present treaty to Spain. Where is then this navigation so free and open to be commenced? All the possession, I believe, that we shall ever have, will be its nomination in this treaty. We must be content with the grant without the possession.

And now let me, Sir, pause on a part of the treaty which awakens human sensibility in a very irresistible and lamentable degree. I cannot but lament the fate of those unhappy men, who I conceive were in general objects of our gratitude and protection. The Loyalists, from their attachments, surely had some claim on our affection. But what were not the claims of those, who, in conformity to their allegiance, their cheerful obedience to the voice of Parliament, their confidence in the proclamation of our Generals, invited under every assurance of military, parliamentary, political, and affectionate protection, espoused, with the hazard of their lives, and the forfeiture of their properties, the cause of Great-Britain? Were these deserving of being excluded from that ray of protection which was held out by the fifth article, in favour of those Loyalists who had not drawn the sword in our defence? By this, there was a provision made for them, which promised a species of retribution and protection. The Congress are earnestly to recommend it to the legislatures of the respective States to provide for the restitution of all estates, rights, and properties which had been confiscated, belonging to real British subjects; and also of the estates, rights, and properties of persons resident in districts in the possession of his Majesty's arms, and *who have not borne arms against the United States*. Every other description are to have the liberty of going into part of the United States,

States, and there remain without being molested for the space of twelve months, in their endeavours to obtain the restitution of their confiscated estates, rights, and properties. Are these examples of their endeavours to render their laws consistent with justice and equity? Is this agreeable to the spirit of conciliation, which on the return of the blessings of Peace should universally prevail? Who is then possessed of the least particle of humanity, but must anticipate the miseries these brave and patriotic men must feel from our ungratefully, inconsiderately, and unnecessarily resigning them to poverty and wretchedness? I cannot but feel for men thus sacrificed for their bravery and principles: men who have sacrificed all the dearest possessions of the human heart. They have exposed their lives, endured an age of hardships, deserted their interests, forfeited their possessions, lost their connections, and ruined their families, in our cause. Could not all this waste of human enjoyment excite one desire of protecting them from that state of misery with which the implacable resentment of the States have desired to punish their loyalty to their Sovereign, and their attachment to their mother country? Had we not espoused their cause from a principle of affection and gratitude, we should, at least, have protected them, to have preserved our own honour. If not tender of their feelings, we should have been tender of our own character. Never was the honour, the humanity, the principles, the policy of a nation, so grossly abused as in the desertion of those men, who are now exposed to every punishment that desertion and poverty can inflict, — because they were not rebels. Nothing can excuse our not having insisted upon a stipulation in their favour, but our evident impossibility. But where appears this impossibility. I would, for the honour of my country, and some little solace to them in their miseries, that there had been an impossibility of stipulation in their favour; then their miseries would not have been aggravated by the reflection of our ingratitude. But to me such a stipulation appears to have been too practicable for my approbation of this treaty. Could not all the surrenders we have so liberally made to America, give us that pretence for reciprocity in favour of those unhappy Loyalists? Could not the surrender of Charles-Town, of New-York, of Rhode-Island, and Penobscot, purchase a security of those deserving people? Was Congress not sufficiently sensible of debility of internal resource to prosecute the war? Had the the temerity to have persevered in a war, rather than have given up
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this opportunity of exercising her implacable and impolitic resentment? I term it impolitic; for it will establish their character as a vindictive people. It would have become the interests as well as the character of a newly-created people, to have shewn their propensity to compassion. Did they consider these Loyalists to have done wrong — they should rather have pitied than punished their error. It would have been more politic in them to have conciliated than to have alienated those affections which arose from principles of loyalty and attachment. They should have considered that such principles form the cement of states. And that it is by loyalty and attachment that they must preserve their own existence. But was it not to be expected that France and Spain, after every other omission had been made, would have prevailed with the Americans to have relaxed in this part of their provisional treaty, rather than the whole system of peace should have been destroyed?

The honourable gentleman who has made the motion has said, that parliament in having declared the Americans independent had made the peace, and are, therefore, responsible for any improper concessions or restorations; if there be any that may be found in the preliminaries and provisional treaty. It is true that a resolution has passed this House which I opposed, because I considered it as an incumbrance to our exertions. However I admit, that this resolution gave America her independency, and that peace was the natural consequence of this resolution. For I must confess that peace could not be obtained, after such a resolution passed, without recognizing their independence. But can any man say, that this resolution included necessarily all the concessions and restorations contained in the preliminaries and provisional treaty? Did parliament order them? Did parliament give instructions for the cession of Charles Town, New York, Penobscot, Rhode Island, Detroit, and the fisheries? Did parliament order the abandonment of the Loyalists? Parliament has not given their countenance to these facts. So that ministers are accountable, and not parliament, to the people.

From every light in which I have viewed the papers now before us, I cannot give that approbation to the peace which is included in the meaning of the address moved by the right honourable gentleman. For, although I do not pretend to the ability or the means of making a better peace, yet I cannot

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not but say that it is not such a peace as we might have expected, from the relative situation in which we were left by the successes of the last campaign. Therefore, I cannot go to the foot of the throne with an address of approbation. But I think it becoming and necessary to give his Majesty thanks for the papers, and also to give him assurances of the House fulfilling every title of that, for which public faith is pledged in the several articles. I shall, therefore, vote for the amendment proposed by the noble lord, and, with his approbation, I will propose an addition of a few words, expressing the sense of the House respecting the Loyalists. I shall therefore move the House :

“ To assure his Majesty, that his faithful Commons will proceed to consider the same with that serious and full attention which a subject of such essential importance, to the present and future interests of his Majesty’s dominions deserves. That they entertain in the mean time the fullest confidence in his Majesty’s paternal care, that his Majesty will concert with his parliament such measures as may be expedient for extending the commerce of his Majesty’s subjects :—*And his Majesty’s faithful Commons feel that it would be superfluous to express to his Majesty the regards due from the nation to every description of men, who, with the risque of their lives, and the sacrifice of their properties, have distinguished their loyalty and fidelity during a long and calamitous war.**

“ That whatever may be the sentiments of his Majesty’s faithful Commons in the result of their investigation of the terms of the pacification, they beg leave to assure his Majesty of their firm and unalterable resolution, to adhere inviolably to the several articles for which the public faith is pledged, and to maintain the blessings of peace, so necessary to his Majesty’s subjects, and to the general happiness of mankind.”

In the midst of his lordship’s argument, a tarrier (belonging to one of the younger members) which had run into the House with his master, set up a loud barking. This, as may be supposed, threw the House into a roar ; which was excited afresh as soon as it was stilled, by Lord North’s saying to the Chair, with great apparent gravity, “ Sir, I was interrupted by a new speaker ; but as his argument is concluded, I will resume mine.”

General Smith seconded Lord North’s amendment.

Mr.

* The words in Italic are Lord North’s.

Mr. Secretary Townshend, and several other members then rose, all striving to be heard, but Mr. Powys caught the speaker's eye.

Mr. Powys. Mr. *Powys* congratulated the noble Lord in the blue ribbon, on the recovery of his weight and influence in that House. The country had already derived such material advantages, and reaped so many blessings from the noble Lord's administration, that every true friend to Great Britain must sincerely rejoice at the noble Lord's again being likely to gain an ascendancy within those walls. Let the House, however, consider the question before them with fairness, let them look at it without prejudice, and let them exercise their own judgment, in determining how they would vote. An address had been moved, declaring their sense of his Majesty's gracious condescension in ordering the Preliminary and Provisional Articles of the different treaties to be laid before them, to assure his Majesty that they had considered them with the attention which so important a subject required, and to acknowledge to his Majesty their due sense of his paternal regard for the happiness of his subjects, which had induced his Majesty to relieve them from a burthen some and expensive war. Upon this address an amendment had been moved, declaring that the House would take the articles of the several treaties into their most serious consideration, and this amendment was supported by arguments that the fact asserted in the address, originally moved, was untrue, and that the House had not yet taken them into their serious consideration. Let gentlemen remember, that the three treaties had been upon their table full three weeks, which surely was a sufficient time for every member of the House to examine them with attention, and to consider each individual article with seriousness; that day had been set apart for their public discussion, and if he mistook not, they had already been solemnly debating upon them for some hours, and they would in all probability spend many hours in the same manner; would any man then take upon him to assert, that by the time the House should rise, the treaties would not have undergone an ample discussion and consideration? With regard to some part of the articles of the Preliminary Treaties, he was fair to say, he wished they had not stood as they did. For instance, he should have been better pleased if East Florida had not been given up to Spain, and Tobago to France. With regard to America, at the time that certain

tain gentlemen, whose public principles he approved, and with whom he had long acted, withdrew themselves from his Majesty's councils, the House would remember that the ground of difference was, the manner in which the independence of America should be acknowledged. An honourable gentleman over the way, (Mr. Fox,) for whose abilities he had the highest respect, had contended, that the best way would be to do it with magnanimity, and to acknowledge the independence of America unconditionally; the noble Earl at present at the head of his Majesty's councils, on the other hand had contended, that it would be better policy to make the recognition of independence the basis of a treaty, and to grant it as the price of peace. The Provisional Treaty certainly did not shew that this idea had been carried into practice; and so far, the present First Lord of the Treasury had not proved himself so able a politician as he had given himself out to be; but if he had failed in shewing himself a great statesman, he had certainly proved himself a good Christian, for he had not only parted with his cloak to America, but had given her his coat likewise. Not thinking the naked independence a sufficient proof of his liberality to the United States, he had cloathed it with the warm covering of our fur trade, and had given them an extensive boundary with the cession of the fishery, of Charles-Town, New-York, Long-Island, Pecobscot, and all that variety of forts so accurately described by the noble Lord in the Blue Ribband. This certainly was going a great way farther than he saw any necessity for, but he was nevertheless prepared to say, that notwithstanding the objectionable parts of the Treaties with France and Spain, notwithstanding the exceptions to the Provisional Treaty with the United States (in which there certainly was more of liberality on our part, than mutual reciprocity) yet taking the whole together, and the circumstances under which the peace had been made, he was ready to give his full assent to the address that had been moved, and to declare he was completely satisfied. Nor did he say this, from any personal or interested motives; he made no scruple to avow, that he had no great predilection for the present First Lord of the Treasury; but let his character be what it might, he deserved their thanks for having broken the confederacy in arms against this country, and which threatened her absolute ruin; a confederacy so strange, unnatural, and heterogeneous, that, before it had been formed, it had been repeatedly argued in that House, that

such a confederacy could not possibly have existence. But this seemed to be the particular æra for strange confederacies. The world had seen great and arbitrary despots stand forth the protectors of an infant republic; they had witnessed the Kings of France and Spain, engaged in a war to establish the rising liberties of America. That House now viewed the counterpart of this picture; they saw the lofty and strenuous assertors of regal prerogative united in alliance with the humble worshippers of the majesty of the people; the most determined advocate of the influence of the crown going hand in hand with the great purifier of the constitution; while the ministers of the day, like Great Britain before the peace, were engaged in a contest with the powerful confederacy which he had just described, without an ally, save only a few Refugees from the opposite party. He hoped ministers would better reward and take more care of these refugees, than they had evidently taken of the loyal refugees of America. Mr. Powys concluded with declaring, that what he had said were the genuine sentiments of his mind, unbiassed by interest, uninfluenced by party. He had stood up at that time in the character he was determined to preserve, that of an independent member of parliament, free to judge for himself, and speak his own opinion.

Lord Mul-
grave.

Lord *Mulgrave* observed, that as it was the province of the prerogative to make war and peace, and peace having been made constitutionally, he considered the national honour to be pledged for a due performance of the several articles of the respective treaties. He therefore thought for the sake of the necessary credit of government, and for the sake of the common weal, that House should give it their sanction. At the same time, his Lordship said, he saw much ground of objection, not only to the particular articles of the respective treaties, but to the general complexion of the whole peace. The obvious impression that a view of the various articles afforded, was, that it rather appeared to be a peace patched up for the present, than a peace that promised to be permanent. The preamble of each treaty, compared with the articles that followed it, looked as if it was not penned at the same time; there was no congeniality of sentiment; no concurrence of idea. The one promised mutual advantage as the basis of the treaty, the other turned the advantage all one way. And here, his Lordship said, he could not but take notice of opinions that had been broached in that House, that such was our situation, that any peace, however short its duration,

duration, was a matter to be desired. The bad, nay the miserable policy of such a doctrine, in his mind, deserved the severest reprobation. It was clearly the interest of this country, when she made peace, to make it on such a footing as should ensure its continuance. Much better were it for Great Britain at any time, but more especially at the present, to continue the war than to agree to a momentary pause, to take breath merely, and to renew the combat. A variety of obvious circumstances must press upon the consideration of the House, to shew the truth of this argument, but if any other were wanting, the disgraceful nature of the several treaties upon the table, and the recollection of the glories of the last campaign, and the present state of our maritime and land force, were sufficient to prove it, and bring it home to the general conviction of mankind, that instead of submitting to the humiliating terms that had been dictated by France, this country was entitled to resist disgrace, and demand, what the preamble of the treaties held out to be their basis, her share of advantage. In order to prove, that by the treaty with France the interest of that power alone was consulted, and that where a benefit was certain, it was thrown into her scale, while, on the contrary, every thing likely to create doubt and difficulty, to produce future dispute, and give rise to future trouble and expence, was thrown upon us, he took a general and cursory view of the several articles. That which consented to the abrogation and suppression of all the articles relative to Dunkirk, from the treaty of Utrecht downwards, he dwelt on as particularly impolitic. His Lordship stated, that by giving France a power to fortify Dunkirk, we enabled her to annoy us exceedingly in every future war, since the free exercise of such a port, within five hours sail of our eastern coast, could not but furnish France with frequent opportunities of doing us the most essential injury, and should she be able or think fit to enlarge the harbour, and render it capable of receiving larger vessels, than it could at present admit, might prove of the most serious consequences to us. The noble Lord in the blue ribband, he said, had with great accuracy and force of argument observed, upon the articles of the treaty with France, but notwithstanding the great abilities the noble Lord had displayed in the course of his speech, he had not, if he would give him leave to say as much, paid the fifth article due attention, or painted its ill consequences in colours sufficiently striking. By that article his Majesty engaged to cede in full right the Islands of

St. Pierre and Miquelon. Let the House recollect the situation of these islands, and let them consider what advantage the being enabled to fortify them would give France! Hitherto as soon as ever hostilities commenced between Great Britain and France, we were enabled, as had been done the last war, to seize upon her fisheries and her seamen, and for the plain and obvious reason that her fisheries were unprotected. Hereafter, this important power would no longer exist; by fortifying the two islands of St. Pierre and Miquelon, France would be as capable of carrying on her Newfoundland fishery, in time of war as in time of peace, and at the same time would have it in her power to annoy and distress us exceedingly. He called to recollection, the conduct of the great statesman the Earl of Chatham, with respect to that fishery. The present administration, his lordship observed, had the name and abilities of that great minister; he wished to God, it had also had the experience and the influence; had that been the case, he was persuaded France never would have been able to obtain such terms. In the negotiation for 1762, France knew, Mr. Pitt would not consent to enable her to make herself strong against another war. They then undoubtedly wished as much as now to obtain a protection for their fishery, but they knew that minister was too clear sighted and too firm a negotiator to consent to grant any thing that could hereafter be easily turned to the disadvantage of his country. Hence they required not a restoration of the fortress of Louisbourg, and Cape Breton, but asked for l'Isle Royale (so they termed Belle-Isle) for the sole purpose of affording a shelter for their fishermen, and it was ceded to them under the express conditions of their using it for no other purpose. His Lordship next mentioned the advantage France derived from having the place of her fishery changed from the eastern to the western side of the island of Newfoundland, (the new limits exceeding the old ones,) and he dwelt for some time on the restoration of St. Lucia, and cession of Tobago. He also pointed out the manifest superiority granted to France in Africa, and the dangerous tendency of the articles relative to the East Indies. Upon the whole, he said, he was convinced France had obtained terms from us, more advantageous to her than she had any sort of right to insist on, and more humiliating to us, than every circumstance considered, we ought to have granted. When he came to speak on the treaty with the United States, he declared that was, if possible, still more liable to objection, because

cause America had less power to force her requisitions. After going through the several articles, and dwelling upon the boundaries being so extensive, the cessions so great, and the total want of any sort of reciprocity, or mutual advantage, he came to the article respecting the Loyalists, which he said he never could regard but as a lasting monument of national disgrace. Nor was this article, in his opinion, more reproachful and derogatory to the honour and gratitude of Great Britain than it appeared to be wanton and unnecessary. Had we not enough of America in our hands to have compelled Congress to have done justice to that unfortunate description of men, who had almost a right to expect we should have continued the war, rather than have abandoned them? The honourable gentleman, who made the motion, had asked, if those gentlemen, who thought the present peace not sufficiently advantageous to Great Britain, considering her circumstances, would consent to pay the amount of expence, another campaign would have put us to for the degree of advantage they might think we had a right to expect? In answer to this, he declared for one he had rather, large as the sum in question was, have had it stipulated in the treaty that Great Britain should apply it to making good the losses of the Loyalists, than that they should have been so shamefully deserted, and the national honour so pointedly disgraced, as it was by the fifth article of the treaty with the United States. Had that plan been adopted, all Europe would have seen, that no misfortunes of war, no diminution of power, could lessen the high sense of honour Great Britain had ever entertained, and uniformly acted up to on every former occasion. The matter would have been then done publicly, and in the face of the world; now, whatever ministers were able to obtain for the Loyalists, must be by secret negotiation, consequently the justice government ultimately might do those, who had such ample claims upon this country, being done in private would by no means remove the odium and the stigma thrown upon the national character. His Lordship in the course of his arguments, respecting the Loyalists, referred to the treaty of Munster, and contended that by that treaty, Spain and Holland had acted much more honourably. After speaking for a considerable time, and touching upon all the various ideas naturally suggested by the subject, his Lordship concluded with declaring he should vote for the amendment proposed by the noble Lord.

.. Mr,

Mr. Secretary Townshend.

Mr. *Secretary Townshend* next said, though he thought it necessary to rise, in order to remove the unfair impressions, that the two noble lords had endeavoured to excite in the minds of gentlemen, he should nevertheless reserve himself to answer any questions that might be put to him, having come down to the House fully prepared for that purpose. It was not, he observed, a little extraordinary, that the principal ground upon which the amendment had been moved, should be, that the House had not yet considered the treaties. Did the noble Lords, who used this argument, recollect, that the treaties had then been near three weeks upon the table, that scarce a day had passed in all that time, in which, somehow or other, they had not been brought into debate, and that it had been repeatedly said, "when will you suffer them to be taken into our consideration? Appoint a day for their discussion. It is high time that the House should give their opinion upon them." and such sort of language. Yet now it was affected to be said, that sufficient time had not been afforded for their consideration. The inconsistency of this conduct was too obvious to need much argument to prove it more plainly. Ample time had been afforded, and that day had been set apart for the discussion of the several treaties; ministers were desirous that they should be discussed in the fullest manner, and all that was asked by the amendment was, that the House would thank his Majesty for laying the treaties before them, and declare their readiness to adhere to the several articles of each. With regard to the argument of the noble Lord in the blue ribband, that he could not give his approbation to the peace, and that had he not been called upon to offer incense to the ministers, he should have remained silent; upon his word, Mr. Townshend said, had not the noble Lord stood so long upon his legs, he should have thought he had been talking in his sleep, and dreaming of some of those fulsome addresses crammed with the grossest adulation to Government, that had been so often moved when that noble Lord was at the head of his Majesty's councils. In the present address there was not the smallest appearance of flattery to the King's servants; on the contrary, particular care had been taken that it should be drawn in as unexceptionable a form as possible, he was not therefore surprized at hearing such idle arguments set up against it as the House had listened to; no solid objection, he was persuaded, could be opposed to it. That peace was necessary, he believed, no man would contradict. Nay, one honourable

able gentleman had felt this necessity so strongly, that he lately declared that almost any peace, and for any time of duration, however short, was desirable. The peace that had been made, Mr. Secretary said, upon a fair and candid consideration of the circumstances of the country, would, he trusted, be found to be a peace as good as we had a right to expect, and a peace that promised to be permanent. In order to judge of the Preliminary Treaties with France and Spain properly, gentlemen ought to turn their eyes back to the conclusion of the last war, and see, while we had the ascendancy, what humiliating terms we obliged the House of Bourbon to subscribe to; they would then feel that it was natural for France and Spain in adjusting the present peace to insist on our restoring what we had then taken from them, and nevertheless they would find, that considering France, as the head and mover of the powerful confederacy in arms against Great Britain, she had been moderate in her requisitions, and had asked for nothing materially disadvantageous to Great Britain. By way of proving this, Mr. Secretary Townshend went into an examination of the arguments of Lord North and Lord Mulgrave, and particularly noticed what had been said, on allowing the French to fortify St. Pierre and Miquelon. He declared, he had conversed upon the subject with some of the first officers in the service, and they had uniformly delivered their sentiments in a way directly opposite to that, in which the noble Lords had spoken; each person, to whom he had stated the case, assuring him that nothing was to be apprehended from any fortifications the French could raise on these islands, but that in a future war her fisheries would remain as much at our mercy as ever. With respect to the changing the place allotted the French to fish on the banks of Newfoundland, from the eastern to the western side of the island, and allowing them to fish from Cape St. John to Cape Ray, that was a matter he little expected to have heard found fault with, because he had always understood the fishery was not so productive on that side the island as on the other, and certainly the greater the distance between the French fishery and ours, the less it was likely that quarrels and disputes should arise. Mr. Townshend entered into a discussion of the arguments used against the other articles respecting the restoration of St. Lucia and the cession of Tobago, and the cession of the river Senegal, and of the forts, settlements, and islands in Africa, all of which he defended on the ground either of unavoidable necessity,

necessity, or that they were scarcely worth our keeping. With regard to the cessions in India he declared they were made under the cognizance and with the consent of the Court of Directors of the East India Company, who certainly best knew their own interests. As to the sixteenth article, notwithstanding what had been that day said upon the necessity of first seeing the treaty with Holland, before gentlemen could vote it, he was still of opinion that it would be every way improper for ministers to state the nature of any treaty which was then under negotiation, and not brought to a conclusion; he would, however, venture to declare, that Great Britain would derive many advantages from that treaty, but he would not say Trincomale was not to be given up. Having noticed the most material objections that had been started against the Preliminaries with France, Mr. Secretary Townshend defended the cession of Minorca and East Florida to Spain, upon grounds similar to those upon which Mr. Thomas Pitt had reasoned; and last of all he came to the consideration of the Provisional Treaty with America; his defence of which, he began with reminding gentlemen, that by the resolution of that House last year, a padlock had been put upon the British sword, and it thence clearly became the duty of ministers to conclude a peace with America as soon as possible. The statute, that enabled his Majesty to grant the independence, paved the way to it, and these leading circumstances considered, he contended, that the peace was unexceptionable. That the treaty had not proceeded upon narrow-minded principles on our part, he was ready to admit, and he trusted that the House in general would agree, that as it was obviously the interest of Great Britain to establish as close a commercial connection as possible between this country and the United States, it became the peculiar duty of ministers so to settle the treaty, that there should not appear in it any thing illiberal, or expressive of anxiety in Great Britain, to keep back any thing the United States might justly expect. With regard to the observation of the noble Lord in the blue ribband, that the Americans being no longer British subjects, had no longer a right to the fishery which they had formerly enjoyed, he hoped to God that sort of distinction would never be made, but that we should continue to consider the Americans as our brethren, and give them as little reason as possible to feel that they were not British subjects. But that matter out of the question, how were we to prevent the Americans from fishing as they used to do, or why

why should we desire it? The produce of their fisheries might in a manner be deemed the American staple, and what detriment could their still enjoying it possibly do to Great Britain? We never sent out our ships till about June, and the American fishery was principally carried on in March. Without therefore it was thought of so much consequence as to warrant our keeping an armed force constantly upon the station, it would be morally impossible for us to prevent it. He next adverted to the boundaries, the extensiveness of which he defended on arguments of general policy and particular necessity. By the different charters he shewed that the different provinces had various degrees of extent towards the northward, particularly Virginia; and as to the line drawn by the statute book for Canada, to which the noble Lord had alluded, a very little reflection surely would suffice to convince every gentleman that the attempting to enforce that line would have irritated America, and revived that spirit of resentment, which it was now our business to quiet. The statute in question was the Quebec act, passed in 1774, an act by no means relished in America; instead, therefore, of adverting to that line, or the line described by proclamation, it had been thought better to fix a new boundary, fair, just, and liberal, and such as the Americans themselves approved. With regard to the fur trade, and all the arguments built upon that subject, interested individuals might at first raise a clamour, but, in great national transactions, the public good must be the predominant object; nor was the trade so much injured, as some people would have the public to believe; enough of Canada was still left for the carrying on of that trade; and he ever understood it to be a general maxim, that, in proportion as fruits were better, the farther south they grew; so furs were the best which came from countries the most northern. The noble Lord, who had complained of his not having sufficient information, upon the subject, to be able to give a vote for the address that had been moved, had, nevertheless, with a wonderful degree of circumstantial detail, adverted to every matter stated in each of the treaties, and among other things he had spent a great deal of time, in describing the various forts that had been built in North America, and the great expence their erection had cost this country, which were all by the new boundaries ceded to America. The building of these forts at such an enormous expence, Mr. Townshend said, had been one of the great follies and profusions of the public money, that had

distinguished the administration of the noble Lord. Many of the forts were built in the best manner at an immense expence to the nation, when mere blockhouses, or abbattis would have answered the purpose every way as well, and not have cost one half of the money. With respect to one of them, upon which the noble Lord had laid great stress, [Detroit] if a fort was necessary there, a new one might easily be erected on the other side of the water, and at a small expence. Having urged this as a reply to Lord North's argument upon that head, Mr. Townshend said, that the article respecting the Loyalists, gave him as much concern as it could do any other gentleman; but it had been impossible to avoid it, the Commissioners on the part of America having again and again declared, that they were instructed to insist on it: if the British commissioners therefore had refused to accede to it, the treaty must have been broken off, and much time would have been lost. He was ready to admit, that many of the Loyalists had the strongest claims upon this country; and he trusted, should the recommendation of Congress to the American States prove unsuccessful, which he flattered himself would not be the case, this country would feel itself bound in honour to make them full compensation for their losses. The noble Lord, he observed, had complained principally of the exception that was made in the article, which excluded those who had borne arms from the recommendation which Congress engaged itself to make. Undoubtedly this exception was much to be lamented; but would the noble Lord, or any other gentleman, say, that the whole of the Loyalists were to be given up for a part? Let them recollect, that Lord Cornwallis, in his capitulation at York town, had acted in a similar manner, and doubtless for similar reasons. After dwelling upon this point for some time, and telling Lord North, that if there was any thing particularly disadvantageous in any of the treaties, he ought to be the last member of the House who should complain, as the peace was in fact of his own making, all the difficulties and unpleasant circumstances attending it, having arisen from his mal-administration of the public affairs, Mr. Townshend concluded with expressing a hope, that the sense of the House would go with the address as originally moved.

The Speaker here left the chair for a minute or two. On his return,

Mr. *Secretary Townshend* said, if the noble Lord in the blue ribband would vote for the address, he would agree to his amendment.

Lord North said, he could not agree to the address. Ld. North.

Mr. Burke was very pleasant in his remarks on the modesty of the address. At the beginning of the session Ministers had been very verbose, because when men design to perform little, they promise a great deal. Now that Ministers had given away to the enemies of this country immense possessions, few words were judged to be wisest: but, perhaps, the country would deem the verbose address less exceptionable, than that which was defended on the ground of its modesty; at least, he was sure the country would less feel the consequences of the one than of the other; but the right honourable Secretary had adopted a style of reasoning fit for the defence of such conduct. "True, says he, the peace is a bad one, but could you have made a better? Much has been given to the enemy, but, thank God, that much is a heap of rubbish." France, said Mr. Burke, has obtained Tobago and St. Lucie in the West Indies, a dangerous extent of fishery, all the forts and islands in Africa, and a district in the East Indies, which cannot fail to render France a formidable enemy, whenever war shall again break out. To Spain we have ceded East Florida, and guarantied West Florida and Minorca. To America we had given an unlimited extent of territory, part of the province of Canada, a right of fishery, and other extraordinary cessions; and yet the right honourable Secretary tells the House, that what we have conceded is of little worth to us, and, in effect, a heap of rubbish. The right honourable Secretary, he contended, forgot that this depreciation of what we had ceded to France, to Spain, and to America but ill agreed with his other, and indeed his chief argument in defence of the peace; namely, that being triumphant at the end of the last war, we insisted on terms humiliating to the House of Bourbon, and that now the House of Bourbon, having the turn of the scale in the fortune of war, had a right to dictate terms of peace to us; and it was natural to expect, that they should insist on having those humiliating terms reversed. Is France then so moderate in the hour of her triumph, that she is contented with a mere nominal cession? Does a heap of rubbish gratify her ambition? Modest House of Bourbon! Humble in prosperity, self-denying, when she could best feed her vanity and her interest! — Having pushed this point with considerable force of ridicule, Mr. Burke went into a curious review of the several treaties, and particularly laid his stress on the cessions to France in the East Indies. He painted the

articles that related to that subject as disadvantageous in the extreme, and took notice of Mr. T. Pitt's remark, that we had nothing to fear in that quarter, while we had a great General and a great Statesman at the head of affairs there. With regard to the General, no man, he said, had a higher opinion of his bravery, his conduct, and his wisdom, than he had; so much had been done for his country by his judgment and his valour, that every thing was to be expected at his hands that military skill could achieve: but he must differ with regard to the gentleman described as a great statesman. Perhaps that great statesman would be proved to be a great delinquent, and that his projects of extending the territorial acquisitions of the country had nearly ruined, not only our commercial interests in India, but our very existence in that quarter of the globe. Having argued this very strongly, he came to a consideration of the Treaty with the United States; a treaty, which in its preamble declared reciprocal advantage and mutual convenience to be its basis, but which was full of the most important concessions on our part, without the smallest balance, or equipoise to support that reciprocity, it so much boasted. Had he been worthy to advise Ministers in making that treaty he said, he would have advised them not to mention such a word as reciprocity. If the terms, from the necessity of our situation, were obliged to be such as were replete with disgraceful concession, to talk of reciprocity was adding insult to injury. In like manner, if what this country owed the Loyalists could not be obtained, (and why it could not, he was at a loss to imagine) he would not have said one syllable about those most unhappy men. Better to have left the whole to future negotiation, and to have been totally silent upon the subject in the treaty, than to have consented to have set our hands to a gross libel on the national character, and in one flagitious article plunged the dagger into the hearts of the Loyalists, and manifested our own impotency, ingratitude, and disgrace. Mr. Burke said, there were some of the Loyalists whose conduct he never had approved, because he had been persuaded it led to mischief and ruin: but he had no right to say, that even such of them as he had described might not be influenced by motives of purity, and looking at affairs through the medium of prejudice, instil into others those erroneous notions which they themselves had imbibed, and which they firmly believed. At any rate, it must be agreed on all hands, that a vast number of the Loyalists had been

been deluded by this country, and had risked every thing in our cause; to such men the nation owed protection, and its honour was pledged for their security at all hazards. How far any description of the refugees merited the titles of Vipers and Traitors bestowed on them by the honourable gentleman who moved the address, he would leave the world to imagine. He saw no use, however, in abusing and villifying those whom we had shamefully abandoned. He took notice of Mr Powys's attack on that side the House for the coalition stated to have been formed that day, and maintained that there was nothing heterogeneous in such an alliance, if any such had been formed, which he was yet to learn. He bid those that held such an opinion look at the Treasury Bench at that moment, and see the learned Lord sitting between the Chancellor of the Exchequer, and his honourable friend the Secretary of State. He reminded the House of the frequent speeches of the latter, in opposition to that administration which the learned Lord had on all occasions supported; and after creating some laughter at the expence of the present administration, reverted to his original argument, that the peace was disadvantageous and disgraceful. In answer to Mr. Powys's declaration, that the noble Lord in the blue ribband was the cause of it, he said, it by no means followed that we must submit to any terms, because the war had been calamitous and unfortunate. The success of the last campaign gave us advantage ground, and we had a right either to have conceded less, or to have obtained more.

The *Lord Advocate* ridiculed the line of conduct pursued by the other side of the House, and contended that the address that had been originally moved, was such as ought to pass. He said, it did nothing more than express the gratitude of the House to his Majesty for having obtained the blessings of peace for the country. Would any man say, that peace was not a blessing? Would any man say, that, in the present situation of the country, that blessing was not ardently and anxiously to be desired? The honourable gentleman, who moved the address, had given them the most convincing and melancholy proofs that peace was absolutely necessary. He had stated that we were deeply plunged in debt, that we had spent more in carrying on the war just concluded, than any former war had cost the nation, even that in which the Duke of Marlborough obtained so many glorious victories for this country. That we were without an ally, and without resources.

The Lord
Advocate.

resources. Under such circumstances, having obtained a peace, what objection could there be to agreeing to a plain, and natural address to the Crown, thanking his Majesty for having caused the Preliminary and Provisional Articles to be laid before the House, and expressing the gratitude of the House for his Majesty's having restored the kingdom to the blessings of peace? With regard to the amendment that had been moved, the more he considered it, the more he was surprised. Could not the two noble Lords, in the *honey-moon of their loves*, have begotten a more vigorous offspring? Was such a sickly child the first-born of such able parents, and were they obliged to usher it into life in a condition so ricketty and impotent. Let the noble Lord in the blue ribband consider the state of that day's business, and let him then see, if it was not more consistent with the manly simplicity of his mind to vote for the address originally moved. To that address, unexceptionable as he contended it was in every point, an amendment had been proposed, that swept away almost the whole of it. That amendment the sagacity of his noble friend discovered to be insufficient, because it made no mention of the Loyalists. He therefore proposed a farther amendment, as a rider upon that of the other noble Lord, and thus was the House called upon to tinker a piece-meal address, which after all did no more than the address originally moved, for in that mention was made of the Loyalists, and every possible view was answered. Having urged this, his Lordship endeavoured to show, that the noble Lord in the blue ribband and his friends could not consistently vote for the first amendment, and that the noble Lord who moved the first, and his friends, could not consistently vote for the second amendment. He rested his arguments on these points chiefly on the professions of each of the separate parties on former occasions. He opposed the one to the other, and contended that it was utterly irreconcilable for men, who had held opinions so diametrically opposite, the one to the other, to unite on a point in which those opinions must, in a manner, jostle against each other. He desired gentlemen, before they condemned the present peace, to recollect what had been their former opinions upon the subject of peace. Let them remember, that the noble Lord in the blue ribband had said, early in the session, that peace was much to be desired; let them remember, that the honourable gentleman in his eye had urged the necessity of peace still more strongly; and let them remember a cer-
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tain letter that had been written to the mediating power on the subject of a peace with Holland; nay, he would be content if that honourable gentleman would forget almost every thing he had formerly said, and that the House should forget it likewise; let them, if they pleased, forget all they had heard in the early part of the present session; let them forget all they had heard again and again in former sessions; he would only beg them to remember a few remarkable circumstances that had happened ten months ago, when an honourable gentleman in his eye had declared that peace was absolutely necessary, had pressed that argument with all his eloquence, and had asserted, that to his knowledge peace could be obtained; nay, that he was so certain of it, that, much as he disliked the noble Lord in the blue ribband, he would even consent to negotiate for him, to act under him as a clerk, and to conclude the peace. What had been the noble Lord's answer? The noble Lord had said, "He would not employ a negotiator he could not trust." Let gentlemen hold this memorable offer, and no less memorable rejection of it in their minds, and then let them judge how far the extraordinary coalition of that day was fit to be supported, and how it was possible for men, professing such opposite sentiments ten months ago, to unite now in voting against the present address. But with regard to the necessity of the peace, let them call to mind, what had been the language of the honourable gentleman when in office. Had he not then said, that bad as things had appeared to him formerly, he had found them to be much worse than he had described; that our navy was in the most miserable condition, that there was not the smallest hopes of our retrieving our affairs by a continuance of the war, and that the only possible means of saving the country from absolute ruin was to make peace! Could those, who had talked in this stile, condemn the present peace? What was the reason that had altered their opinion? Our navy, indeed, was said to be in a great and glorious condition. What! that navy, now great and glorious, which but ten months ago had been most wretched and disgraceful! Had ships sprung up like mushrooms? Where was now the friend of the late Admiralty Board, who would assert, that the modern "Alexander had conquered with Philip's troops?" Where were those who had uniformly supported the conduct of the noble Earl who had formerly presided at the Admiralty? Would they join with the most marked accuser of that noble Earl. After urging
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this sort of appeal to the former speeches and transactions, with an air of some triumph, the learned Lord proceeded to a consideration and defence of the articles of the peace. He went through them separately, and defended each upon different grounds. With regard to the East-Indies, he said, our possessions there must have been all gone but for the peace. That madman, Governor Hastings, by undertaking the Mahratta war, had put every thing to the hazard, and he did not think we could have held a footing of any kind in India had the war continued. He defended Ministers for having refused to produce the treaty with Holland, on the ground of its being highly impolitic to do so pending a negotiation. When he came to speak of the Provisional Treaty with the United States, and to take notice of what had been said, respecting the boundary of Canada, he mentioned the two boundaries before described, viz. that declared by proclamation, and that by the Quebec act. He said he was not in parliament when the latter passed, but if he had been, in all probability he should have voted for it, because he was free to say he had been of opinion that America could have been coerced, and subdued. He reminded the House, however, that he was one of the first who had abandoned that opinion, the moment the war appeared to be impracticable. He accounted, why the Quebec line of boundary was not adopted, and argued that the boundary prescribed by the articles of the present treaty was that least likely to create future uneasiness. He stated, that the fourth article, that stipulating, "that creditors on either side should meet with no lawful impediment to the recovery of the full value of all *bona fide* debts," as an article highly beneficial to the commercial interests of this country. An assertion which he supported, by declaring, that he had a letter in his pocket from the merchants of Glasgow, desiring him to thank Ministers for that article; and the merchants of Glasgow, he said, had a full third, if not two thirds of all the debts due from America, owing to them. With regard to the Loyalists, they merited every possible effort on the part of this country, and he was persuaded Ministers had done all they could for them. After going through the whole of the various articles, he contended that the peace, every thing considered, was as good a one as we had any right to expect, and, before it was condemned, it ought to be proved that a better could have been made. He bid the House recollect, that Mr. Fox had
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formerly said, that he had a peace in his pocket; he wished that peace to be produced, in order that the House might compare the terms of it with those of that upon the table, and, from a fair comparison, judge of the merits of both. He pushed this argument a good way, and at length said, an honourable gentleman who had spoken early in the debate, had talked of the loyal refugees, who had gone over to administration. As perhaps, he might be thought to be one of the persons alluded to under that description, he would take that opportunity of declaring once for all, that he would support and strengthen any government conducted on principles that he approved. The Lord Advocate concluded with urging the noble Lord in the blue ribband to vote for the address.

Governor *Johnstone* was very severe in his strictures on the boundaries of the United States, which he said appeared to him to be not only ignorantly drawn, but to give away lands, forts, and fisheries, which the Crown had no legal power to cede. He pointed out the ignorance of those who drew the second article, in which it was stated as one part of the boundaries, that a line was to be drawn "along the middle of the river Mississippi, until it should intersect the northernmost part of the thirty-first degree of North Latitude. This, he said, was direct nonsense; there was no such thing as a northernmost part of a degree, and so a mere school-boy, who had just begun to look into a book of geography, could tell Ministers. He dwelt also particularly on the value of East Florida, which was ceded to Spain, and stated, that when he was appointed Governor of it, two commissions were obliged to be made out, in consequence of a geographical blunder in the first. He said, Ministers knew not the value of that province, either in point of situation, or of commercial produce: there was a bay in it, called the bay of Espiritu Santo, that was one of the finest harbours in the world. [Mr. Secretary Townsend looking a little surprised at this, the Governor said, "I see the Right Hon. Secretary of State is ignorant where the bay lies."] It lies in the Gulph of Mexico, on the north-west side of the province, is called Tampa Bay, or Espiritu Santo, and is one of the finest harbours in the world. Infinitely better and more healthy than the Havannah. There the ships are eat by the worms, and the men are liable to much sickness; in the Bay of Espiritu Santo neither of these inconveniences are experienced. After dwelling

ling upon this for some time, the Governor went into a general review of the different articles of the peace, and after condemning them severely, said, Ministers on this occasion, with an air of confidence, ask, "if a better peace could have been made?" In answer to that he would only say, "could a worse have been concluded?" With regard to the declaration of the Secretary of State, the Directors of the East-India Company were satisfied with the articles relative to the East-Indies, he said, he was perfectly astonished at such an assertion. Every director he had conversed with on the subject had highly disapproved of them, and, to his knowledge, the bulk of the proprietors condemned them, as highly injurious to their interests. He saw an honourable gentleman near him, however, who could give the House some information on the subject, and he hoped that honourable gentleman would satisfy them as to the fact. The Governor remarked that the term, antient possessions," inserted in the 16th article with France would lead to endless feuds and disputes, and after making an infinite variety of objections to the Treaties, referring to the Commission under which he had gone out to make peace in America in 1778, and again stating his doubts as to the power of the Crown to grant the Independence, he concluded with declaring he should vote for the amendment.

Sir Henry
Fletcher.

Sir *Henry Fletcher* said, that being so particularly called upon by the honourable Commodore who spoke last, he felt himself in a very embarrassing situation in delivering his sentiments fully on the subject, as he had acted through the whole of the negotiation for peace in a secret capacity, between Administration and the Court of Directors of the East-India Company, he did not feel himself at liberty to give that full explanation of the business, which many members of the House might wish to receive from him. However, he would not decline giving such information to the House as he thought himself justified in doing.

He said, that the Secret Committee of the East-India Company, upon the first intimation, received from Government, of a negotiation for peace being carrying on, and being at the same time called upon for their sentiments on that subject, so far as it might relate to the East-Indies, took under their consideration the whole state of the Company's affairs, particularly in India; and considering they had an army in India to pay of near two hundred thousand men; that they had to provide for the pay of ten regiments
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of his Majesty's forces there, and twenty sail of the line of his Majesty's ships, besides frigates, to victual; that they were carrying on two wars with two of the most formidable powers in India, one of which had actually invaded the Carnatic, and was in possession of the greater part of the country; that there were large debts at all the Company's settlements, and that their resources for carrying on the war were very precarious, so that they scarcely knew where to raise a lack of rupees; that the French and Dutch forces in India consisted of upwards of twenty sail of the line; that two thousand five hundred troops were actually landed in the Carnatic. Under all these circumstances, he said, the Secret Committee did not hesitate one moment in giving their opinion; that peace was to them a most desirable object, and they thought it their duty to do every thing in their power towards forwarding and securing a general peace, by making such restoration and concessions in India (provided they did not in any great degree affect the British interest in that part of the world) as might contribute towards bringing about such an event. And having taken the sentiments of a Secret Court of Directors upon the subject, they had the happiness to find that the Court concurred in sentiment with the Secret Committee.

Sir Henry then went into a particular examination of the East-India articles. With regard to the thirteenth article, which restores Chandernagore and the French settlements in Bengal, he saw no objection to the restoration, as the more trade was encouraged in that country, the better would it be for the East-India Company, as we were in possession of the territorial revenues; but he could have wished, he said, to have seen the same words in it as were inserted in the Treaty of Paris, which were, that no fortification should be erected, nor troops received into Chandernagore, other than might be necessary for the police. But when he considered the different situation of the Company in Bengal now, and at the conclusion of the late war, being at that time in possession of the country, he did not see any danger in the article, as it now stands, as the Company would always have it in their power to prevent any ill effects from it. The Court of France might perhaps object to those words being inserted in this article from mere punctilio. With respect to the ditch, which many gentlemen had expressed great uneasiness at, he said that the French were

willing to have it understood that it was merely for a drain. Such, he said, are the words of the article, and it will be our own fault if we suffer it to be more. During the last peace, the French made a ditch of considerable length, which they informed our government was merely for the purpose of a drain; but upon a survey being made by our principal engineer, it was found to have all the appearance of a fortification, and was therefore destroyed. This undoubtedly gave great umbrage to the Court of France, and may be the reason why they insist on the present ditch; but for his own part, he could see no danger in it as it now stood. With respect to the free and independent trade given to the French in this article, and which many gentlemen had raised difficulties upon, it not being specified how far it was to be extended, undoubtedly he looked upon it to be such as was carried on by the French during the last peace, and which being a transaction of so late a date, must be fresh in the memory of many gentlemen in Bengal, and the Company's records will clearly shew in what manner that trade was carried on, so that he thought no difficulty could arise from that part of the thirteenth article.

Sir Henry said, that with regard to the fourteenth article, he had no objection to Pondicherry and Karricall being restored to the French. As to the additional districts to be ceded to them, contiguous to those places, they did not belong to the Company, but to the native Princes of India, the Nabob of Arcot, and the Rajah of Tanjore; that the cession of these places could not be of much importance, as the annual revenues of the two districts did not exceed twenty thousand pounds, and the House will please to observe, that his Britannick Majesty engaged to procure those two cessions, and there could not be any doubt that whenever his Majesty's Ministers should call upon the Company to use their good offices with those two Princes, that they would exert their best endeavours to prevail upon them to make those cessions, which, considering the present state of the Carnatic (the most considerable part of which is now in the actual possession of Hyder Aly) and this being the whole of the concession which was to be made in India, he hoped the House would not think it too much for procuring the great object of peace.

The fifteenth article, observed Sir Henry, restores to France Mahé and the Comptoir at Surat. He saw no objection whatever to the restorations, the former being a gar-
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rison in the territories of Hyder Ally, and where the East India Company have little connection; the latter, a mere trading house in the city of Surat, where we have the government, and it would always be in our power to watch over and controul any improper conduct in the servants of the French in that part of India.

With respect to the sixteenth article, to which many members of the House had made a great objection, Sir Henry said, he must confess that it wanted much explanation, observing, that he had not met with any two gentlemen who could agree in opinion on this article, or who explained it in the same manner. The Secret Committee of the East-India Company, he said, upon the first reading of it, did not hesitate one moment in determining that an explanation was absolutely necessary, and the Committee having considered of the explanation, communicated their sentiments to a Secret Court of Directors, who unanimously concurred with the Committee in those sentiments. In consequence whereof, they communicated them to his Majesty's Ministers, and he made no doubt that proper explanations would be attended to in the Definitive Treaty. With respect to the words, "ancient possessions," said Sir Henry, that matter must likewise be explained, and fixed to a certain period, as few of the Princes in the Decan can be said to have ancient possessions. The family of the Nabob of the Carnatic is a new family in that government, and his dominions have been changing almost annually ever since he came into the possession of them. With regard to Hyder Aly, every one knew, that not many years since he was a common soldier, and that by an unusual share of military skill and abilities, he had raised himself to the head of a great empire; therefore, he can have no ancient possessions. For these reasons he did not hesitate to say that a specific term ought to be named, which term should be immediately before the commencement of the war. Sir Henry said, that his Majesty's Ministers were in full possession of every explanation which the India Company thought necessary to be given, and which he had every reason to believe would meet with proper attention.

He then begged leave to say a word or two in answer to what had dropped from an honourable gentleman, "that many of the Directors disapproved of the articles." He said, he could assure the House that the Secret Committee had been unanimous in all their proceedings, respecting this

business, and that when they had occasion to take the advice of the Court of Directors, there were never more than one or two gentlemen who differed from the rest, and that on particular points only, and that upon the whole of the propositions, he could almost venture to say, they were unanimous.

Sir Henry concluded his speech with saying, that it would give him great pleasure to have all the proceedings of the Court of Directors and Secret Committee in this business laid before the House of Commons, and before a general Court of Proprietors at the East-India house; and he made no doubt, that if ever a time should arrive when that could be done with propriety, those proceedings would meet with the fullest approbation of the public.

Mr. Sheridan.

Mr. *Sheridan* made a very accurate reply to the Lord Advocate, and warmly touched upon the strokes the learned Lord threw out on the conduct of his honourable friend, (Mr. Fox) and the share he had taken during the short time he was in administration to effectuate the great end of peace. He contended that the treaty on the table was of the most disgraceful nature, for it relinquished completely every thing that was glorious and great in this country. If there was a single article that had a view to the interests of the empire, if there was a single article that had not concession for its object, he would not contend that the peace was what almost every person pronounced it. The sixteenth article was one of the most inconsistent political productions that could possibly be supposed; it was couched in such vague and loose terms, that it must have relation to the impending treaty with Holland. It was with the view of finding out the extent of that article, and what reference it had to the treaty yet pending, and the political disposition it evidently had towards France, that the honourable gentleman made his motion on a former day, and which called forth the indignation of a right honourable person in his eye (the Chancellor of the Exchequer) as being inconsistent with the established usage of the House, unprecedented and preposterous in the extreme. This convinced him however, that the right honourable gentleman was more a practical politician than an experienced one; his years and his very early political exaltation, had not permitted him to look whether there had been precedents, or to acquire a knowledge of the Journals of the House. Had his youth permitted him to acquire such knowledge, his discretion would

would not have suffered his abilities, which Mr. Sheridan greatly admired, to be carried away by his heat and precipitancy; he would not with so much indignation have resented the asking questions, which it was the duty of Ministers to satisfy. If he had consulted the Journals, the honourable gentleman said he would have found incontestible evidence, to prove the groundless authority of his indignant assertions; he would have found that it was not unprecedented to lay a depending treaty before the House; nay, that before a single step had been taken to complete any of the points of it, it had been usual for Parliament to be in possession of the principles upon which it was proposed a treaty should turn. Parliament was called upon to assist with its advice on the vast subject of national importance, which peace must naturally in all times be, as involving in it so much the general prosperity and happiness of Europe. Ministers in former days had not the ingenious modesty and handsome diffidence of those of the present; they, distrusting their own abilities on a matter of such infinite importance, were not ashamed to call in the assistance of Parliament. They were not so eager to sport their responsibility; nor did they fear that the House would interfere to rob them of the glory of their negotiations; nor did they, with the anxious solicitude of the present gentlemen, hide every iota of the progress of their negotiation, either with a view of astonishing the world with the splendour of their pacific acquisitions, or to shew their contempt of the wisdom of Parliament in the administration of their own transcendent abilities.

After having proceeded in this vein, he introduced, in support of the conduct of Ministers, at the treaty of Aix la Chapelle, stated by the noble Lord in the blue ribband, a farther precedent, extracted from the Journals of the House in Queen Anne's reign, before the treaty of Utrecht, and which Mr. Sheridan read as part of his speech. It stated, that her Majesty, notwithstanding it was the undoubted prerogative of her crown to make peace and war, nevertheless, anxious for the happiness of her people, and relying on the affection of her faithful Commons, had ordered to be laid before them, for their advice and approbation, the principles upon which she conceived a general pacification could be most effectually established for the glory of her crown, and the happiness of her people; at the same time informing them, that no step had been taken for the completion of the treaty, nor would there

there without their advice and approbation : thus he shewed, that it was not only preceded to lay the case of the negotiation before the House in its depending state, but the principles upon which the treaty was to take effect before the negotiation for it had ever been commenced. How unlike that was the conduct of the present Minister, when the amendment of his noble friend, proposing to give time for the consideration of the articles to which they were called upon in so very extraordinary a manner to give their approbation : they were told, they had the articles for three weeks before them, and that they had ample time of course for information ; at the same time that Ministers had the hardiness to make use of such language, they seemed to forget the almost inquisitive exactness with which they shut out the members of that House from obtaining any knowledge of those circumstances, that could alone qualify them to decide with judgment, upon a treaty that either shewed Great Britain to be ruined beyond redemption, or that her interests and her glory had been sacrificed to views that were not immediately discernable.

The answer to every requisition for the production of any article that might lead to this necessary purpose, as was the case of his motion a few days before, Mr. Sheridan said, was in the language of indignation, it was indecent, it was unprecedented, and preposterous in the extreme, for gentlemen to introduce any circumstance of enquiry before the day appointed for the discussion of the treaty ; and yet on that day, right honourable persons in his eye had, with the peculiar modesty which so distinguished them, called on the House for their approbation of a treaty, which, it was argued with much indignation, it would be indecent in them to make any enquiries whatever into. But taking the pledge of their bashfulness and modest confidence in their own superior abilities as the criterion of its perfection, Ministers required the House to be so preposterous as to give a vote of approbation to a treaty, that with the most anxious solicitude they were even prevented from so much as speaking on, until the time they had been so confidently called upon to give it their approbation. And the object of his late motion, he contended, was justly affirmed by an honourable Commodore to be of very great magnitude : if Trincomale was given up, our territories in India were in a most precarious situation ; and he contended, after remarking on what had fallen from Commodore Johnstone and Sir Henry Fletcher, that the House ought absolutely to know the extent of the sixteenth article,
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and the situation of the negotiation with Holland. He dissected the article in the most humourous manner. To find the meaning of the different articles, grammatical order was to be inverted ; for it was impossible to come to the meaning of them by adhering to the rules of grammar. He then went into the definition of a real British subject, mentioned in the fifth article with America. The twenty-second article with France might have as well run, to prevent all disputes that had hitherto arisen, as all disputes that may hereafter arise, and grounds enough were left for them. Seeds of disunion and future broils were sown in the inconsistency of a treaty, of which the poorest political dabbler well might be ashamed. The honourable gentleman drew a very affecting picture of his Majesty's loyal subjects in East Florida, consigned to a government and to a religion they detested. Independent of the impolicy of ceding that province, and he was not inclined to call the validity of the peace in question, for it was his determination, and that of his friends, to support the national faith ; Mr. Sheridan execrated the treatment of those unfortunate men, who without the least notice taken of their civil and religious rights, were handed over as subjects to a power that would not fail to take vengeance on them for their zeal and attachment to the religion and government of this country. This was an instance of British degradation, not inferior to the unmanly petitions of government to Congress for the wretched Loyalists. Great Britain at the feet of Congress suing in vain was not a humiliation or a stigma greater than the infamy of consigning over the loyal inhabitants of Florida, as we had done, without any conditions whatsoever. To the honour of France and Spain, in their most distressful circumstances, in all their cessions, as in Canada, &c. they provided by treaty for the civil and religious rights of their quondam subjects. Mr. Sheridan then read the addresses of the inhabitants of Florida to the Governor some short time back, breathing in the most animated style, attachment and loyalty to the religion and government of this country, and their detestation of the conduct of his Majesty's rebellious subjects in the other colonies. Mr. Sheridan took a view of the fur trade, the boundaries of Canada, &c. and was apprehensive the great solicitude shewn by Administration to conciliate the affections of America, as it had been termed, would be a great means, in the marking of the boundaries, of creating future dissensions. He went at length into the different interests acquired by the Americans and

French, and those left to us on the coast of Newfoundland. The logwood trade, of such vast consequence, left in a state amounting almost to non-entity, employed much of his animadversions.

The article of Dunkirk was also to be considered, supposing it even not to be of that importance it formerly was, and of which it might hereafter become to posterity, as strongly accumulating and filling the measure of our disgraces; that what had been for more than a century, the pride of our ancestors to enforce, we should so rashly concede, particularly when we were not in a situation considering our navy, (notwithstanding the learned Lord's representation) and the relative resources of our enemies, (for it was observed by an honourable Commodore, that the criterion of a nation's resources was her credit, and the rule of that credit, the interest she paid, and according to the honourable Commodore, Spain paid most enormous interest, and France was much in the same situation;) considering then those relative circumstances, and the naval situation of Holland, Mr. Sheridan contended, we were so far from being reduced to bear such degrading, such indelible stigmas and impositions, we were entitled to an honourable peace.

The victory of Lord Rodney, the defeat of the enemy at Gibraltar, our successes in the East Indies, were also enumerated to prove, that our situation was respectable, that if we were reduced in resources, our enemies had not increased theirs, but were at least equally exhausted. He could not avoid remarking the artful attempt of the right honourable Secretary, to put the first amendment, and the second of the noble Lord in the blue ribband, on the same event. He took notice of Mr. T. Pitt's description of the Loyalists, the real Loyalists, and the viper Loyalists; and yet though the honourable gentleman, in the peculiar stile of eloquence which so much distinguished him, was very warm in discriminating those characters of the Loyalists, and pledged his feelings to give every assistance to the real Loyalists, yet in his address proposed to the throne, the vipers were equally recommended to the royal protection, and the House was equally to be bound for them as for the real Loyalists. The honourable gentleman was pointed in reply to the Lord Advocate, on his hints thrown out on Mr. Fox's administration, of peace being in the pocket of certain members of a late administration, &c. Mr. Sheridan said, that he had known his honourable friend's disposition when he came into power, and had

had the honour of acting with him; and he pledged himself, that, though peace was ardently to be desired, though at any time peace was to be preferred, yet knowing, as he did, the relative circumstances of the powers, he never would have acceded to so dishonourable a peace; and for his own part, he did equally pledge himself, that if his honourable friend was of such a disposition, and during his administration had brought such a peace to conclusion, notwithstanding his friendship and esteem for him, he, as an individual, would have opposed it. It was impossible for language to describe his reprobation of it, or what he felt for the national disgrace. But, he said, the true criterion by which his honourable friend's intentions could be judged by, was his correspondence while in office, and he dared Ministers to move for its being laid before the House.—[Here a great cry of "Move, move."] He then made some remarks on the coalition of the parties the learned Lord had alluded to, and the honey-moon of their loves, which Mr. Sheridan said, if it was the case that there was a coalition, was rather to be called the wedding day. Mr. Sheridan then attacked the learned Lord on his inconsistency, on his having declared he would support no man whose measures he did not approve. He asked the learned Lord, if it was consistency then in him to support the patron of equal representation, to which Mr. Sheridan professed himself a warm friend. Was it consistency to support the independence of America, of which he had ever been so determined an enemy? He put to the Advocate some other questions; and remarked, that there was such a versatility in the politics of some men, that when interest called, every other consideration gave way; and if that was not the case, it was hard to suppose how the learned Lord's adoration and high-sounding panegyrics of the noble Lord in the blue ribband, with which the walls of that House were wont to resound, should now be transferred to those connections which had been heretofore so obnoxious to him. He was very severe on the Lord Advocate for his early desertion, and his unfairness of using, in his peculiar situation, recrimination, which at all events could never be allowed as argument.

Mr. *Banks* supported the motion for the address, and in mild terms argued, that in circumstances so calamitous and gloomy as those of the British empire on the present occasion, the peace which his Majesty's Minister's had concluded, was in his opinion not only good, but highly favourable, and such as we had no reason to expect.

Sir William
Dolben.

Sir *William Dolben* begged the House to advert to the consideration of the important question which he had before stated : Whether the King's Ministers were authorised by the prerogative of the crown, to alienate from the state the American colonies ? He averred, that prerogative did not extend so far ; it gave no power to alienate territories not acquired by conquest during the war ; at least, this was his most serious opinion. Then if it did not rest in prerogative, he contended that the act of last session gave Ministers no authority adequate to so important a measure. He entered at some length into the argument which he had urged on a former day ; but he wished to have the opinion of the gentlemen of the gown ; and he called upon them to give the House information on this most important point. He freely owned that he was adverse to the terms of the peace ; he thought them highly injurious to the interest of the country, and infinitely worse than we had any title to expect.

Mr. Mans-
field.

Mr. *Mansfield* said, that he did not consider himself qualified to rise and pronounce a hasty opinion : the question proposed by the honourable Baronet was indeed of the greatest importance, and it would not be prudent in any man to hazard a light opinion. The prerogative of the Crown was allowed to go great, and indeed undefined lengths, as the circumstances of the state might require that measures should be taken for which there was neither precedent nor authority. In all such instances, however, the House would recollect, that responsibility was placed in Ministers, and they were bound to shew, whenever they ventured on any extraordinary extension of the prerogative, that there was absolute necessity for such conduct. This he understood to be the doctrine of the constitution. But with respect to the present question ; whether the King's Ministers were authorised by the act of last session to alienate for ever the independence of America ? he was free to acknowledge, that he thought that act gave them sufficient powers. It was clearly determined thereby, that it was the sense of Parliament, and Ministers were bound to act up to what they understood to be the sense of the legislature ; and though the bill was not stated to be, in so many direct words, a bill for granting independence to America ; yet the provisions of the act amounted exactly to the same thing ; and he believed this was the design for which the bill was introduced.

Sir Francis
Basset.

Sir *Francis Basset* supported the amendment, and argued with energy against the peace which had been formed,

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Mr. *James Grenville* contended with equal warmth, that the peace was such as we might reasonably expect in circumstances of unparalleled dejection. He entered at length into the situation of the country, in a comparison with that of our adversaries, and insisted that we had no right in fairness to complain of the conditions which our Ministers had procured. Mr. James Grenville.

Mr *Fox* then rose and took up the consideration of the important subject, at considerable length. His situation, he said, on that day, was peculiarly delicate. He was supposed to be actuated by motives of personal pique, and of setting up an opposition to the articles of the peace on grounds of envy, of jealousy, and of ambition. Those who knew him best would not impute to him such motives; and for the opinion of those who believed every calumny that was propagated against him, he had but little concern. This, however, was not the only delicacy of his situation. Allusions were made to former opinions which he had given, and assertions he had made in circumstances different from the present, and to which indeed they bore not the smallest resemblance nor affinity. It was proclaimed, as an unanswerable argument against every thing he could say, did you not some months ago declare that almost any peace would be good, would be desirable, and that we must have peace on any terms. If, says Mr. Fox, I could suffer myself for a moment to be so far led away by conceit, and to fancy myself a man of so much importance as to excite the jealousy of the Minister, I might give ear to the reports of the day, that every measure which the Minister adopted, every plan which he formed, every opinion which he took, and indeed every act of his administration, was calculated and designed to embarrass me. How well might I ascribe the present peace to this motive. You call for peace, says the noble person, you urge the necessity of peace, you insist on peace; then peace you shall have, but such a peace, that you shall sicken at its very name. You call for peace, and I will give you a peace that shall make you repent the longest day you live, that ever you breathed a wish for peace. I will give you a peace which shall make you and all men wish that the war had been continued, a peace more calamitous, more dreadful, more ruinous than war could possibly be; and the effects of which neither the strength, the credit, nor the commerce of the nation shall be able to support. If this was the intention of the noble person, he had

had succeeded to a miracle. His work had completely answered his purpose; for never did I more sincerely feel, nor more sincerely lament any advice I ever gave in my life, than the advice of getting rid of the disastrous war in which the nation was involved. That the Minister might have other views it was very probable. That he might think his situation depended upon peace; that he might think there was no other way of maintaining a disjointed system, and fixing himself in a seat, not gained by the purest means, nor supported by the firmest bottom, it was very possible; and it was also very probable that in his eager pursuit of this object, he had overshot the mark, and neglected to take the steps which could alone secure the end.

But it was objected to him by a noble and learned Lord, that he who had talked of having a peace in his pocket, and who had been so confident in his declarations that peace might certainly be obtained, ought to shew that the peace which he projected was better than that which was procured. In answer to this he would inform the learned and noble Lord, that he had never said that he had a peace in his pocket. He had averred in his place in that House, that there were persons in this country, empowered by the Congress to treat of peace with America. The fact was so: they had made application to noble persons, friends of his, to the Duke of Richmond, to Lord Keppel, and to Lord John Cavendish. They had authorised him to mention the fact in his place in that House; and it turned out, as he had declared, that there were persons properly authorised, and anxious to treat of peace. The noble and learned Lord called upon him to produce the peace which he had projected. This was a very loud and sounding word; but the learned Lord not being a Cabinet Minister, was at liberty to hazard bold things, which, if he was a Cabinet Minister, he was pretty sure he would not do. Will any one of the King's Ministers, says Mr. Fox, give me the same challenge? Will they call upon me to produce the peace? I dare them to do it. I challenge them to do it. They know what it is; they have it in the office. If it is against me, let them take the advantage of it, and hold me up as a man capable of advising my Sovereign to make a worse peace, if possible, than the present.

I now come, says Mr. Fox, to take notice of the most heinous charge of all. I am arraigned with having formed a junction with a noble person, whose principles I have been
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in the habit of opposing for the last seven years of my life. I do not think it at all incumbent upon me to make any answer to this charge: first, because I do not think that the persons, who have asked the question, have any right to make the enquiry; and secondly, because if any such junction was formed, I see no ground for arraignment in the matter. That any such alliance has taken place, I can by no means aver. That I shall have the honour of concurring with the noble Lord in the blue ribband on the present question is very certain; and if men of honour can meet on points of general national concern, I see no reason for calling such a meeting an unnatural junction. It is neither wise nor noble to keep up animosities for ever. It is not just nor candid to keep up animosity when the cause of it is no more. It is not my nature to bear malice, or to live in ill will. My friendships are perpetual, my enmities are not so.

“ Amicitia sempiterna, inimicitia placabiles.”

I disdain to keep alive in my bosom the enmities which I may bear to men, when the cause of those enmities is no more. When a man ceases to be what he was, when the opinions which made him obnoxious are changed, he then is no more my enemy, but my friend. The American war was the cause of the enmity between the noble Lord and me. The American war, and the American question is at an end. The noble Lord has profited from fatal experience. While that system was maintained, nothing could be more afunder than the noble Lord and I. But it is now no more; and it is therefore wise and candid to put an end also to the ill will, the animosity, the rancour, and the feuds which it occasioned. I am free to acknowledge, that when I was the friend of the noble Lord in the blue ribband, I found him open and sincere; when he was the enemy, I found him honourable and manly. I never had reason to say of the noble Lord in the blue ribband, that he practised any of those little subterfuges, tricks, and stratagems which I found in others; any of those behind-hand and paltry manoeuvres which destroyed confidence between human beings, and which degraded the character of a statesman and a man.

So much he said for the charge which had been made by the learned Lord. He would have thought it more prudent in that learned person, before he had lavished his charges so freely, to recollect the place from which he spoke; and that he who was so warmly the friend of the noble Lord in the blue

blue ribband, and what was worse, of the system he had pursued, was now as warmly the friend of a system very different, and not less obnoxious. But the learned Lord informed the House, that he would always support government, provided that he approved of their principles. This he believed to be literally the case; and that he might always support government, he had no doubt but the learned Lord would take care constantly to approve of their principles, whatever they might be, or whoever were the ministers.

It was also imputed to him, that he had when in office lowered this country before the States of Holland in a very unbecoming manner, and that then there appeared none of these proud thoughts, nor that high expectation which he now expressed. He had no desire, he said, to conceal what he had done with regard to the Dutch; nor if he had such a desire, would it be possible for him to gratify it. The letter which he had written was public, and all the world knew what had been his sentiments; he was therefore ready to acknowledge, that as the Dutch were undoubtedly plunged into this war without a cause, it was his idea that we ought to make them liberal offers of peace. Such offers were made: but they not only rejected them, but made such haughty demands, that the policy of the thing was changed; and he and his friends no longer thought them intitled to that favour and friendship which had been honestly proffered. They saw us hampered with many enemies, and seemed desirous of taking advantage of our situation, to procure terms from us, to which they were not intitled. Then they conceived that the States ought to suffer for their want of friendship; and that as we had been great losers by the war, we ought to look for recompence in the possession of Trincomale, and other objects.

This was clearly his idea still; and if it was true, as it was rumoured, that the claim was to be abandoned, he should think nothing was wanting to make the present the most disastrous and disgraceful peace, without exception, that ever this country had made at any time. They talked of our present circumstances, and referred to his language on a former occasion. Were our circumstances the same now that they were in the month of March last? Would any man of common sense and common honesty say, they were the same or similar? He averred, that that which would have been desirable then was not good now.

Our

Our state was mended; our navy much increased; that of the enemy was diminished. Our force in the West-Indies was greatly superior to theirs. The American war, the millstone which hung about our necks, was gone; we had victories of the most brilliant kind; the nation had just emerged from its dejection; had just recovered its high tone of thinking and acting: every prospect was rich, and yet, just in this moment of fair expectation and honest hope, we are damned at once with a peace, which, perhaps, we shall never be able to recover.

The honourable gentleman now went into a regular examination of the several leading articles of the peace. The whole was done, he said, upon the principle of concession. It was every where concession. If he wished to look for reciprocal advantages, no such thing was to be found. He said, he would not follow the course of many of his friends, in going over minutely the ground of the various concessions which had been made; but he declared upon his honour, that the terms were obnoxious in the extreme; and he pointed out a variety of the most exceptionable passages, and laid his finger on the points which above others were ruinous and fatal to our commerce. He concluded with declaring his warm approbation of the amendment of his noble friend.

Mr. Chancellor *Pitt* spoke in answer to the various arguments that had been adduced against the motion for the address to the Throne. He was pointedly severe on the gentlemen who had spoken against the address, and particularly on Mr. Sheridan. No man admired more than he did the abilities of that right honourable gentleman, the elegant sallies of his thought, the gay effusions of his fancy, his dramatic turns, and his epigrammatic points; and if they were reserved for the proper stage, they would no doubt receive what the honourable gentleman's abilities always did receive, the plaudits of the audience; and it would be his fortune "*sui plausu gaudere theatri.*" But this was not the proper scene for the exhibition of these elegancies; and he therefore must beg leave to call the attention of the House to the serious consideration of the very important question then before them.

The clamours excited against the peace were loud in proportion to their injustice; and it was generally the case, that where men complained without cause, they complained without temper. It was necessary to

look back, notwithstanding all that the honourable gentlemen on the other side of the way had said, to the language of that House, and to the sentiments of that House on this very subject. Had they forgot the resolutions of last session, by which Ministers were bound to recognize the independence of America? Had they considered, that that resolution, in which he for one most heartily concurred, took at the same time from Ministers their advantage-ground in negociation; and deprived them of the opportunity of proposing independence as a boon to be conceded, as a matter to be offered as the price, or as the basis of peace? Had they forgot the application made by the right honourable gentleman over the way to the Dutch, an application couched in terms to his feeling more degrading than any concession in the present peace? Had they forgot the language of that day, when we were told, that we must have peace on any terms; peace for a year, for a day, just to give us a little breathing time? Were not these things to be remembered? or were they to be told, that times and circumstances were so completely changed, that what would have been desirable then, would not be so now? Were the circumstances so materially changed? Yes, they were; for these opinions were given, and these assertions made, when the right honourable gentleman was in office, and when the task of making peace was likely to fall on his own head. This was the change; this was the material alteration of circumstances which had taken place, and which now called for different conditions. The right honourable gentleman was no longer in place; he was no longer responsible for the terms; and therefore the circumstances were changed.

But to shew that there was no other change of circumstances, he went into a long and particular detail of the relative situation of the belligerent powers—their strength, their resources, their wants, their objects, and their prospects, deducing from this the inference, that it was absolutely and indispensibly necessary for this country to have peace; and that under all the circumstances of the nation at the time, the terms which we had procured were fair and advantageous. That he might shew this to be the case, he examined the articles, and spoke particularly to the points which had been complained of: the boundaries of Canada, the fishery of Newfoundland, the cession of the Floridas, the abandonment of the Loyalists, and the other topics

topics which had engaged the attention of the House. He concluded with recommending temper and moderation, and spurning at all unseasonable and invidious schemes of opposition, in a moment so calamitous and alarming to the state. The unnatural alliance which it was reported had taken place, was undoubtedly to be reckoned among the wonders of the age. It was not easy to reduce such an event to any common rule of judging of men; it stretched to a point of political apostacy, which not only astonished so young a man as he was, but apparently astonished and confounded the most veteran observers of the human heart. He was excessively severe on this junction, and spoke in most pointed terms of reproach.

Mr. *Sheridan* then rose to an explanation, which having made, he took notice of that particular sort of personality which the right honourable gentleman had thought proper to introduce. He need not comment on it—the propriety, the taste, the gentlemanly point of it must have been obvious to the House. But, said Mr. *Sheridan*, let me assure the right honourable gentleman, that I do now, and will at any time when he chooses to repeat this sort of allusion, meet it with the most sincere good humour. Nay, I will say more—flattered and encouraged by the right honourable gentleman's panegyric on my talents, if ever I again engage in the compositions he alludes to, I may be tempted to an act of presumption, to attempt an improvement on one of Ben Johnson's best characters, the character of the Angry Boy in the *Alchymist*. Mr. Sheridan.

Mr. *Lee* spoke with great earnestness against the terms of the peace, and declared upon his honour that in his mind they beggared all the treaties that ever had existence, in injury and disgrace. With respect to the cession of territory, it was great and extensive in every quarter of the world. Europe, Asia, Africa, and America, beheld the dismemberment and diminution of the British empire. But this, alarming and calamitous as it was, was nothing when put in competition with another of the crimes of the present peace—the cession of men into the hands of their enemies, and delivering over to confiscation, tyranny, resentment, and oppression, the unhappy men who trusted to our fair promises and deceitful words. This was the great ground of his objection; and he called it a disgraceful, wicked, and treacherous peace; inadequate to its object, and such as no man Mr. Lee.

could vote to be honourable without delivering his character over to damnation for ever.

The honourable gentleman then adverted to what had been said of a junction between the noble Lord in the blue ribband and his honourable friend. Of such a junction he knew nothing; he would only say that if it had taken place, if they had done more than met on this question, he saw no harm, and no ground for charge. He had not been in that House while the noble Lord was pursuing his system for the reduction of America; but he believed that all who knew him, knew that he reprobated that system, that he abhorred and condemned it as much as any man in this kingdom; but was this a reason for him to be the enemy of the noble Lord? or to confound the man with the Minister? Undoubtedly not. He always respected the private character of the noble Lord. He believed him to be honest and manly in his dealings, that his thoughts were upright, and his hands were clean; and we have the best proof, says Mr. Lee, that this is the case; for if his character had not been pure indeed, we should not have seen the noble Lord attended by so many friends when out of office. He had observed his conduct narrowly, and he had seen none of that shuffling left-handed dealing, which made him the determined enemy of another noble person. When he was to decide which of the two men to prefer, the noble Lord, or the Earl of Shelburne, he could not hesitate for one moment; because he could not hesitate for one instant to prefer openness to concealment, and honesty to artifice. He spoke in most severe terms of the Minister, and reprobated in the warmest terms the whole of his system. He had gained his situation by means not only mean but dishonest. He had shewn as little faith to his colleagues, as he had gratitude to the men who brought him into office; and all his dealings were marked with low cunning and jesuitical hypocrisy.

Hon. Mr.
Norton.

The hon. Mr. Norton said, he understood the right honourable the Chancellor of the Exchequer, to have, in a part of his speech expressed an inclination to separate the consideration of the European treaties from that with America, which being answered in the negative, Mr. Norton added, that under all the circumstances, he was willing to approve of the two former; but on account of the article relating to the Loyalists, he felt it impossible to give his assent to the latter.

Lord Fred.
Campbell.

Lord *Frederick Campbell* took fire at what Mr. Lee had said, that every man who voted for the present peace would be damned

damned in his character; and declared he came down to the House unbiassed, that he meant to vote honestly and fairly, and he meant to vote for the address; but he would not bear to hear his character questioned for such conduct.

The *Attorney-General* rose also extremely warm, and said, Mr. Attorney-General. he did not understand such swaggering language. His character was as fair as his learned friend's, and who should dare to say, that he damned his character by voting for the address. He charged the honourable gentleman with having used very improper language with respect to the Minister.

Mr. *Lee* explained his meaning, and recalled the express Mr. Lee. words which he had used to the memory of the House: he had not said that those men who merely approved of the peace would suffer in character; but that those men who should vote it to be honourable, would be damned in reputation, and this he contended was fair parliamentary language.

Mr. *Rigby* rose to still the troubled waters, and with a Mr. Rigby. happy exercise of pleasantry, said, he desired to apologize for Mr. Lee as a young member, for the ungarded manner in which he had delivered his opinion. Mr. Rigby called back the House to the real questions before them, and termed the conjoined amendment an innocent lukewarm performance; and assigned his reasons for voting for the Address, as originally moved.

Mr. *Adam* concluded the debate with calling to the recol- Mr. Adam. lection of the House, the proceedings held in general on the ratification of treaties of peace. Before the last treaty, it was never practised to take Preliminaries into consideration: Parliament conceiving that they had nothing to do with the fact itself, and therefore they proceeded immediately against Ministers. — He gave his reasons for voting against the address.

At half past seven o'clock in the morning the House divided, Ayes, for the amendment, 224; noes, 208; majority against Ministers, 16.

A committee was then appointed to draw up the address, thus amended.

February 19.

The House went up to St. James's with the address; to which his Majesty was pleased to return a most gracious answer.

The .

The order of the day for the second reading of the bill for securing to Ireland the exclusive right of judicature and legislature, having been read,

Mr. Sec.

Townshend

Mr. Secretary *Townshend*, from a previous communication that had been made to him, understood, he said, that gentlemen wished to say something on the subject of it; but considering the present state of Ireland, if he might advise, he would recommend it to gentlemen to say as little as possible.

Mr. Percival

Mr. *Percival* had a few words to say; Parliament were going to renounce all civil jurisdiction over Ireland; he supposed they would of course think it reasonable to renounce at the same time all criminal jurisdiction; and if they did, it would be necessary to take into consideration the 35th of Henry VIII. by which statute it was provided, that all subjects who should commit treasons, &c. out of the realm, should be tried for the same in England: by virtue of this act, Lord Maguire had been over-ruled in his plea against the jurisdiction of the court that tried him in England, for an offence that was committed in Ireland; for it was determined that as Ireland was out of the realm, it was within this statute; and thus that nobleman had been deprived of the trial by his Peers, having been tried here by Commons, and executed: but as there were other cases, from which it appeared that the right of bringing from Ireland, and trying them here, persons who were charged with crimes committed in Ireland, so it would be necessary to provide against this right, or supposed right, by a clause in the bill: among various cases, were those of the Earl of Ormond, of the Mayor of Cork, who was tried here for the part he took in Ireland in the affair of Perkin Warbeck, of Lord Grey, and numberless others, down from the reign of Edward I — He then was going to move a clause, which he had drawn up for the purpose of taking away this jurisdiction from England, but he dropped it on being informed, that this was not the stage of the bill for moving clauses.

Mr. Burke.

Mr. *Burke* said the business was of the most delicate nature, and ought to be handled in the most delicate manner; a thousand difficulties had started up from the repeal of the 6th of George I. which were not to be removed but by the greatest delicacy possible: he was afraid that the honourable member's clause would rather add to than diminish them.

Earl Nugent.

Earl *Nugent* was for caution in the proceeding.

Lord

Lord *Newhaven* was of opinion, that the idea of the criminal jurisdiction ought to be adopted ; and if for no other reason, at least for this, that it had been mentioned ; for it would throw a suspicion of insincerity on all their proceedings, if they should reject any proposition that had for its object the securing the exclusive rights of judicature and legislature to Ireland. Lord Newhaven.

Mr. *Wallace* thought Ireland could not take any umbrage at the 35th of Henry VIII. as it extended to France, Spain, or any other kingdom in or out of Europe, over which we had no jurisdiction, as much as to Ireland ; for it provided, that persons charged with felonies or treasons committed out of the realm, should be tried in it. Mr. Wallace.

Lord *Newhaven* said this did not apply ; for though treason might be committed in Ireland, yet the judicature of that country must be held to be incompetent, and not sovereign, if it was to be deprived of its natural jurisdiction over persons within the sphere of its operation where they committed the crime ; and therefore it was but fit, that persons charged with the commission of crimes in Ireland, should not be carried out of that realm for trial, but should be tried in Ireland. — The bill was read a second time ; and an order was made that it be read on that day se'nnight. Ld. Newhaven.

Lord *Newhaven* was giving notice of some motion he intended to move, for to-morrow or next day, when he was informed that both days were engaged for the purpose of hearing counsel on the bill against Sir Thomas Rumbold.

Mr. *Fox* said he did not clearly understand this sort of management of business. He did not wish to give any opposition to the further proceedings in the affair of Sir Thomas Rumbold, but after the address, which that House had, so much to its honour, voted on Tuesday morning, every gentleman must see it was highly necessary that the House should as early as possible put itself into such a situation as to enable gentlemen to take the treaties of peace into their most serious consideration, and come to some resolution on the subject of their contents. It was indifferent to him, whether they did so on Thursday or Friday, but, undoubtedly, one of the days ought to be that, on which the House should proceed to fulfil their promise to the Throne. Mr. *Fox* threw out some allusions to the notice given by Mr. *Pitt*, before the holidays, of his intending to bring forward his motion, respecting a reform of Parliament. That motion, he said, every gentleman must feel, was of a very serious and important nature. Mr. Fox.

nature; he therefore, for one, could not see the necessity of postponing it from time to time, on the alledged plea, that matters of a political tendency, called for an earlier attention. The politics of this method of delay, or the use of it, he was equally at a loss to divine; but sure he was, it had an extraordinary appearance, and did not carry with it a sufficient excuse. It had a very suspicious aspect, and seemed as if Ministers were more inclined to hold out this as a promise to the public, by which they might get some credit for honourable intentions, than to come to any decision upon it.

Mr. Pitt.

Mr. *Chancellor Pitt* rose to declare, that he was glad to hear an early day was to be taken for proceeding upon the address, which that House had, (as it was stated) so much to their honour, voted on Monday last, or rather on Tuesday morning. He had, he said, been anxious to know what the mode of proceeding would be which the honourable gentleman opposite to him meant to pursue in consequence of carrying the amendment. Undoubtedly in a matter of so much importance, he believed the usage and practice of Parliament rendered it necessary that notice should be given of the day on which it would be proceeded upon; be the steps to be taken what they might, the House might rest assured he would never avoid, or shrink from any enquiry the House might please to institute. If therefore any papers were to be called for, to elucidate the investigation intended, if it were not too much to ask for it, he should be glad they might be moved as soon as possible. With regard to the motion for a parliamentary reform, of which he had given notice, and with a design of delaying which, for political purposes, a charge had just been insinuated against him, he knew of no such motives, but in the most direct and express terms he disclaimed them. The reasons that had occasioned him to delay bringing that motion forward were twofold; the one, that matters of a temporary and most seriously important nature, had, as the House had seen, lately pressed upon the attention of Parliament and upon Ministers; the other, that he wished, when he did come forward with that motion, to come prepared with all the information that he could obtain. Of late, he made no scruple to confess, he had not had much leisure to instruct himself farther upon the subject, than he had been instructed last session. These, and these only, were the motives that had influenced him to postpone it hitherto; he disclaimed all others, and knew nothing of the politics of
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the delay, as the honourable gentleman had been pleased to phrase it; but he did assure that honourable gentleman and the House, that when he thought himself ripe enough, and the House ready to receive the motion, he would bring it forward, and state the grounds of it in the best manner that all the consideration he had, and should be able to give it, would allow.

Lord *John Cavendish* said, with regard to the day of proceeding upon the Treaties, it was perfectly indifferent to him what day. Let Ministers chuse their own day, and that should be his. An early day must, however, be taken, and the consideration must be seriously gone into, when such parts as called for condemnation, in all probability, would receive it. Lord John took occasion to complain, that a contemptible publication by stating the division of Monday last, with the words *For the Peace* and *Against the Peace*, opposite to the numbers of ayes and noes, had misled the public, and given rise to an idea without doors, that he had moved a thing that might unsettle and disturb the peace. Gentlemen knew that the reverse was the fact, and that his argument and his motion both went to declare, that the House would inviolably adhere to the pledge of public faith.

Lord John
Cavendish.

Mr *Secretary Townshend* said, as long as he felt himself supported, and his public conduct approved by such a set of respectable and independent gentlemen as had stood forward on Monday last, and voted with him, he was perfectly indifferent what other combination of parties, what new junction of bodies of men opposed him. It was by that worthy description of characters, the country gentlemen, that he wished his conduct to be judged; by men connected with no party! Men who followed the whistling of no name! men who had sense and spirit to judge for themselves, and did not pin their faith on the sleeves of others: to such men's decisions he ever should bow with reverence; and the support of such men he ever should consider as his highest honour. If he must fall, if he must be condemned, let such men try his cause, and he was sure he should obtain justice. Mr. Townshend said, he was ready to meet any motion the gentlemen opposite to him intended to make, and the sooner they brought it forward the better.

Mr. Sec.
Townshend.

Mr. *Fox* declared he was perfectly astonished at his honourable friend's language. It was the first time he had ever heard a gentleman's conduct was less praise-worthy, because that gentleman acted in concert with others. This doctrine

Mr. Fox,

was not only new to him, but a little the more extraordinary considering from whom it came. Had his honourable friend forgot for how many years they had acted together with a large party connected upon public principle? Had he totally lost the recollection how often they had in that House fought, and how often they had conquered, when acting in concert? Had he always entertained the same sentiments as those he had just delivered? Did he think his conduct formerly less honourable than he conceived his conduct of late to have been? Had the many years they had acted together in concert proved the least comfortable of his life? Did he feel himself more happy and more easy where he now sat? Or, what was infinitely of higher importance, did he imagine his country derived more advantages from his services in his present situation, than they had reaped from his former parliamentary conduct? These were questions, Mr. Fox said, that naturally occurred to his mind; to say nothing of the vulgar and invidious stile of argument, to which his honourable friend had adverted; an evident proof to him, that when men have been baffled on one important point, they will have recourse to any pretext, to comfort and save themselves from shame. But if it were necessary to follow the example, it were easy for him to prove that the Address the House had voted, had been supported by as many gentlemen of the description just mentioned, as had voted the other way; he disdained however all such vulgar and invidious distinctions, and was free to own, there were on the other side the House many gentlemen of the highest respectability, whose characters he admired, and whose friendship he had thought it an honour to cultivate, but who nevertheless differed extremely from him upon political subjects. Let gentlemen exercise the freedom of their minds; let them judge for themselves; he desired only to be tried by his public conduct, but he never would admit that any man's voting with a body, united upon principle, was a matter of reproach.

M. D.
Hartley.

Mr. *D. Hartley* rose to state some reasons for adjourning the call, but the House being impatient to be called over, and Mr. Rolle declaring, he would divide the House upon the question, if any motion was made to adjourn it, Mr. Hartley concluded with moving, "that the House be now called over."

Lord North.

Lord *North* said, he thought the subject of equal representation, which a right honourable gentleman had declared he should bring forward shortly, was an ample reason for adjourning

journing the call; and he the rather proposed it, as he understood a new call must wait for six weeks, before it could be made, so much notice being required to be given by the rules of the House. His Lordship pressed, that the motion for an equal representation, might be made as soon as possible, for the sake of its being made in a full House; at the same time he meant not to hurry the honourable gentleman; as the motion was to shake the constitution, and to unhinge it, too much preparation could not be taken previous to the proposition to Parliament to adopt a measure of such infinite magnitude. He wished, therefore, the right honourable gentlemen to mature himself upon the subject as much as possible, and thought it fair to say, that there was not in that House a more determined enemy to the idea than he was; he was for no alteration whatever; this ever had, and he believed ever would remain his fixed and unalterable opinion. From the importance of the subject, however, he wished it to come on in a full House, and as the nearer to Easter the motion was made, it would be more likely to be made in a thin House, he hoped it would be made early; and as the suspending of a call was thought to secure a full attendance, he felt that to be a strong argument for adjourning the call then, instead of calling over the House that day.

Mr. Fox said, he was about to commit again the high and enormous crime of voting with the noble Lord in the blue ribband, because he thought the fuller the House, when the subject alluded to was brought forward, the better. When that day came, it would then be found, that no two men could differ more on one and the same measure than he and the noble Lord should. The noble Lord had assured the House, that he was the determined enemy of the motion intended; the House would find him as firmly its determined friend. Mr. Fox paid Mr. Pitt some high compliments on the very able manner in which he had opened the subject, when he had made his motion last session; and said, his manner of treating the subject then had not only excited the admiration of the whole House, but convinced them that he had made himself so compleatly master of it, that he was persuaded, the House would agree with him, that no pains could add to his information upon it. Mr. Fox urged the necessity of having a full House when the day for making the motion in question should arrive; and therefore thought, under that peculiar circumstance, the adjournment of the call necessary.

Mr. Fox.

Mr. Chan-
cellor Pitt.

Mr. *Chancellor Pitt* politely acknowledged Mr. Fox's civility, but desired to be understood rightly; he had never pledged himself to move for an equal representation, as the noble Lord had suggested. What he had pledged himself to bring forward was a motion on the subject of Parliamentary reform.

Mr. Burke.

A loud expression of the word, "Call, call!" came from all parts of the House. Mr. Burke, however, rose, and made a short speech, in which he greatly complimented the country gentlemen, into whose hands he said, he had endeavoured, by a bill he had drawn, and introduced some years ago, to throw the government of the country.

Mr. Byng.

Mr. *Byng*, and some others mentioning, that the call had been last adjourned, upon a solemn promise that it should be enforced on this day, the House agreed to enforce it then, and proceeded to call the names immediately.

February 20.

Ordered papers to be laid on the table; and proceeded to hear counsel on Sir Thomas Rumbold's bill.

February 21.

Mr. Sec.
Townshend.

Mr. *Secretary Townshend* moved for leave to bring in a bill to make some provisional regulations relative to trade between this country and America; he said, that in order to prevent a debate on the subject of this bill, which might keep the House from going into the important business of the day, he would not then enter into a detail of the regulations he intended to establish; but would content himself for the present with simply moving for leave to bring in the bill.

Lord New-
haven.

Lord *Newhaven* asked what necessity there was for making provisional regulations, when a permanent system might be proposed

Mr. T.
Townshend

Mr. *T. Townshend* replied, that there was the greatest necessity for making some temporary regulations, because the merchants were all complaining that there were legal impediments in their way, which must be speedily removed, or they could not avail themselves of the peace with America, in order to open a trade with that country: their complaints were well founded; and it was but just that until a general commercial system should be completed, and ready for the consideration of Parliament, provisional regulations should in the mean time be enacted. The motion passed without any farther observation.

D I S-

DISCUSSION OF THE PRELIMINARY ARTICLES
OF PEACE.

Lord *John Cavendish* called the attention of the House to a farther proceeding on the Preliminary Articles, and which his Lordship would not have done, had it not been for the reports industriously propagated, with what views, or by whom, the noble Lord would not take upon himself to determine, that the persons who had proposed and voted for the amendment on Monday last were not friends to peace; and that their intention was to shake or annul that which had been done by virtue of the King's prerogative. The noble Lord disclaimed every idea of such a nature; he had not a single thought bordering upon such an intention; it was firmly his desire, his wish, and his determination; and equally was it that of those with whom he had the honour of acting on all occasions, as well as of those other persons, he believed, who had voted with him on this occasion; that however inconsistent they might consider the peace, with what this country had a right to expect from her own situation, and the relative circumstances of her enemies, yet as the public faith was pledged, sacred and inviolate ought it to be preserved. He disclaimed any unworthy views; and such were attached to the idea that had been sent abroad, that struggling for power, the parties who had voted for the amendment had condemned, and were resolved to invalidate the peace, merely to answer the purposes of private consideration: but if the ideas of the persons who had spoken in favour of the amendment had been properly understood, and had been so conveyed abroad, men would have found, that what had been said by the supporters of that amendment, was, that let the peace be ever so inconsistent, be it ever so contrary to the interests, and ever so degrading to the political consequence of the state, yet as the faith of the nation was pledged to its observance, every iota of it ought to be strictly maintained. The noble Lord said, that he was of opinion very strongly, notwithstanding such was his intention of not interfering with the undoubted prerogative of the crown, of making peace and war, that the peace was not such a peace as we were entitled to. We were, by the formidable and truly respectable state of our navy—by the circumstances of the great and decided superiority acquired by Lord Rodney's glorious victory in the West Indies—by the equally glorious defeat of the tremendous attack upon Gibraltar—
by

by our superiority in the East Indies, which, the noble Lord would take upon him to say, we enjoyed to a degree which entitled us to conquests — and by our resources, and many other considerations, entitled to a peace more honourable, more advantageous, and better calculated to preserve the political and commercial consequence of this country. Peace was, undoubtedly, a desirable, a most desirable object; the necessities of the state called for it; our trade, our manufactures, every motive cried aloud for it, to soothe the calamities, and heal the wounds, of an expensive and unfortunate war. The noble Lord held that doctrine, was convinced of the propriety, and would act up to the principle of it, as nearly as any man: but though he admitted all this, yet these were not considerations sufficient to urge Ministers, on whom the noble Lord did not mean any criminal censure should be heaped, to accept of peace on terms so degrading and disgraceful as those in the treaties on the table. Though greatly and ardently were the blessings of peace to be desired, yet the sacrifices made to obtain it were infinitely beyond the necessities that required it. And the noble Lord was well aware, that it would be urged, that the resources of this country were greatly impaired; we were loaded with incumbrances; our finances were nearly exhausted. Undoubtedly, the noble Lord would readily admit the truth of every one of those assertions; he would confess our affairs were much deranged, and that our resources were very much exhausted: but though he would allow this, were we not also to look at the relative state of our enemies? Were we to confine ourselves alone to the sad enquiry into our own decayed finance? Were we continually to brood over our own misfortunes, losses, debts, and disgraces, and he sadly contemplating the melancholy picture of our distresses, which some gentlemen had so pathetically drawn, without taking a relative and comparative view of the state of our enemies? They were absolutely, the noble Lord would contend, as defective in finance as we; nay, more, it was a question if they could find resources for another campaign: Spain exhausted her territory by the unsuccessful attack on Gibraltar, which reflected such lustre on our arms, as to raise our consequence in Europe, and to give confidence to our forces, and vigour and energy to their operations. Exhausted, most undoubtedly, she was; and consequently she was not in a situation to qualify her to demand the concessions that had been made to her, or to urge our Ministers to gratify

gratify her in her exorbitant requisitions. America was so circumstanced, that the idea of her subjugation given up, we had nothing to fear from her. It was not in the power of America to wound us, if that destructive idea had been thrown aside. We were invulnerable to America, unless we contended with her on the continent of America. What necessity, therefore, as that idea had been long since given up by the vote of the House, and the bill vesting his Majesty to grant, or rather to recognize an independence she was not long virtually possessed of, to make any concessions to America, the one of the belligerent powers who was least qualified to act offensively against us? As to Holland, the noble Lord made a few short remarks, stating only at large, as the articles relating to her were not yet before the House, that situated as she was, very much was not to be sacrificed by us. And as to the resources of the marine and finance of France, the noble Lord would contend, and desired the gentlemen to consider candidly of the propriety or impropriety of the peace, to take their eyes for a moment off the situation of their own country, and to fix them on France, and they would have reason to rely on the truth of his Lordship's position, that in point of finance and resources for active war, she was equally, if not more decayed than we were. He begged them to reflect upon that naval superiority in the West Indies which he before mentioned to have been acquired by Lord Rodney's victory; that glorious victory left us in possession of a decided superiority in that part of the world. Admiral Pigot had under his command a fleet of forty ships of the line, with every necessary requisite of frigates, &c. and to compleat that superiority, the noble Lord said, on the event of giving up the impracticable idea of continental conquests in America, those forces employed for that purpose co-operating with such a fleet, gave us superiority indeed; the relief of Gibraltar, effected as it had been, in the sight of our combined enemies, was to be considered as a great and brilliant object; and it was productive of many advantages — it gave us consequence in the eyes of Europe, it defeated the ambition of Spain, it degraded our enemy in the estimation of men, and it left our coasts, by the return of the fleet that had performed that service, defended from the insults of our enemies. All these circumstances united, gave the noble Lord reason to think, that to speak mildly, the peace had been at least rather concluded in a hurry; and that, in order to be possessed of the blessings of it, concessions had been made, that,

that, in the moments of cool reflection, would not have been, as he imagined, reconciled to the opinions of some persons who had the honour of directing his Majesty's government. He was far, therefore, from attaching criminal censure to the persons directing the negotiations of this peace, though it had been insinuated, that ideas of continuing in power, might have operated to influence the determinations of some persons of his Majesty's councils, to compleat the event which was the subject of their animadversions. The noble Lord, however, had so high an opinion of other men in his Majesty's councils, his honourable friend in particular [Mr. Sec. Townshend] that he could not bring himself to believe that any thing had been done under the direction of his honourable friend, with a view to any other purposes than what he might have considered really and essentially necessary at the moment. The noble Lord gave the right honourable Secretary credit for integrity, and many other virtues; at the same time that he could not avoid remarking, that he in all probability had conceded the direction of his opinion to the liberality of a noble Lord high in office, with whom the Secretary acted; and that the objects which, in the opinion of more narrow minded persons were considered of magnitude, were thought of by him as mere trifles, for in the great scheme of the noble Lord's liberality they had been overlooked. When the amendment, which had been proposed on Monday last, had been adopted, he had it in contemplation to ask for papers, on which he intended to move an enquiry; but on reconsideration, as no criminal proceeding was intended against the Ministers; as he did not wish to condemn the peace, with a view to censure Ministers; as his only object was to shew, that the terms of that peace were such, that Ministers deserved no compliment from Parliament, or the nation, for having made it; he did not see any necessity for moving for papers, as the House had matters of public notoriety, on which they might ground their resolutions. The relative situation of affairs of this country, and of the belligerent powers, was a ground which would support him in declaring, that he thought the peace inadequate to what we had a right to expect: every part of the three treaties was marked with concessions, which were the more mortifying, as we were in a situation to have resisted them. To France, Ministers had given away Goree and Senegal in Africa; Tobago and St. Lucia in the West Indies; Miquelon and St. Pierre, together with the right of fishing on the

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the coast of Newfoundland, and curing their fish on a greatly enlarged extent of shore; and in the East Indies, their former possessions were to be restored and enlarged. To Spain, Minorca, and the two Floridas were ceded; and to America, not only independence was given, but an immense tract of land belonging to the province of Canada. To the Dutch, he understood we were to restore every settlement of theirs now in our possession; so that in fact, we had scarcely done any thing but made concessions to our different enemies. With all these objects before his eyes, he had drawn up five propositions which he would read.

1st Resolution—"That in consideration of the public faith which ought to be preserved inviolate, this House will support his Majesty, in rendering firm and permanent, the peace to be conducted definitively, in consequence of the Provisional Treaty and Preliminary Articles, which have been laid before the House."

2d, "That this House will, in concurrence with his Majesty's paternal regard for his people, employ its best endeavours to improve the blessings of peace, to the advantage of his crown and subjects."

3d, "That his Majesty, in acknowledging the independence of the United States of America, by virtue of the powers vested in him by the act of the last session of Parliament, to enable his Majesty to conclude a peace or truce with certain Colonies, in North America, has acted as the circumstances of affairs indispensibly required, and in conformity to the sense of Parliament."

4th, "The concessions made to the adversaries of Great Britain, by the said Provisional Treaty and Preliminary Articles, are greater than they were entitled to, either from the actual situation of their respective possessions, or from their comparative strength."

5th, "That this House do feel the regard due from this nation to every description of men, who, with the risque of their lives, and the sacrifice of their property, have distinguished their loyalty, and been conspicuous for their fidelity during a long and calamitous war, and to assure his Majesty, that they shall take every proper method to relieve them which the state of the circumstances of this country will permit."

Lord John concluded with declaring, that he and his friends had proposed this farther testimony of their determination to support the peace on the opinion that the national faith was pledged; but at the same time that he re-

solved, for the sake of national faith, to support the peace, he must declare himself to be by no means satisfied with it. He then moved his first resolution.

Mr. St. Andrew St. John.

Mr. St. Andrew St. John seconded the motion, and said, he could not avoid expressing his surprize, that it could at all have gone abroad that the amendment, proposed by his noble friend, which he had the honour of seconding on Monday last, and which had been carried so very properly, had manifested the most remote idea in the supporters and friends of that amendment, to shake or invalidate the peace, however they might have disapproved it; considering the honour of the nation pledged to observe it, they could by no means, nor could it be possibly supposed from the language they had used, that the most trifling disposition prevailed to break the peace. It was the prerogative of the Crown to make peace and war. The House he relied did not desire to interfere with it; and very far was it from the persons who had supported that amendment, or the noble proposers of it, to harbour such an idea. Mr. St. John said, he undoubtedly was of opinion that report had been sent abroad. He thought the motion then made by his noble friend was a wise measure, because it would defeat the intention with which that report had been propagated; a report the least founded of any that he had ever heard. It certainly might tend to purposes that were far from being reconcileable with the interests of the state; such an idea got into the belief of the contracting powers, the honourable gentleman did not doubt it, would be far from being of public service. However, when it was considered who the noble mover of that amendment was, it could not leave a hesitation in the mind of any man what the result of that amendment was, if it was even shaded in a doubt; but if the noble Lord at the head of affairs was the mover of such an amendment, then indeed, the honourable gentleman said, he would not pledge himself, how or with what degree of propriety such an opinion, as had now been propagated, would have been received in the world. Mr. St. John went pretty largely into the business, threw out some strong suspicions of the noble Lord at the head of affairs, and called to the recollection of gentlemen the conduct of the House on the treaty of Utrecht, to prove that there was no mode of getting rid of a peace that had been once concluded by the royal prerogative; that the only redress that could be acquired for the most dishonourable peace, was the punishment of the ministers who had made it; consequently the amend-

amendment, on a former day, of his noble friend, could not at all have relation to the idea that had been so very curiously annexed to it. The nation, enraged at the treaty of Utrecht, had, by the House, proceeded to the punishment of the ministers who had fabricated that treaty; one was sent to the Tower, the other went into voluntary banishment. That was an instance to prove, that notwithstanding the people might feel justly offended at a peace which their ministers might make for them, yet it was no reason that a violation of that peace should be the consequence; for the persons who had negotiated such a peace were only the objects of public indignation, and who should make a poor atonement for the injuries they had done their country. Mr. St. John disapproved of the peace, and was very strong in support of the motion of his noble friend.

Commodore *Keith Stuart* called the House to a few observations he had to make. For his part, he did not conceive that the peace that had been made for us was of so very scandalous, so very disgraceful, and so very imprudent a kind, as the noble Lord, and the honourable seconder of the noble Lord had stated. He, for his part, felt perfectly satisfied that the peace, such as it was, was the best peace ministers could have possibly made; and that it was not in the nature of things that, situated as this country was in every necessary department for prosecuting a vigorous war, such a war as the powerful combination of enemies we had to contend with called for, we had a right to expect a better peace. The honourable Commodore said this notwithstanding the noble Lord had given a very favourable account of our naval power, an account that must in truth be of the most agreeable nature to every person that heard it, and to every friend to his country, if fortunately the statement was just as it had been given by the noble Lord. He, nevertheless, was firm, that it was far from being competent to authorize us to use that tone in our negotiations which seemed to be the wish of the noble Lord. He then proceeded to assert, that whatever might be the situation of our coasts, whatever might be the service performed by Lord Howe in the relief of Gibraltar, a service which was well performed, the Commodore allowed, whatever might be the éclat we acquired by the defeat of the siege of Gibraltar, and the relief of it effected in the face of a superior fleet, all this, however, in the Commodore's opinion, connected even with Lord Rodney's victory, and the incidental decrease by that glorious action of the French navy, did not estab-

Commo-
dore Keith
Stuart.

blish us in such a situation as could entitle ministers to act up to the wishes of gentlemen on the other side of the House; nor had we that decided superiority in the West Indies, at least, though we for some time had it, we were not in circumstances long to maintain it; for he had it from the first authority, the best authority that could be got, that had not this peace taken effect, a fleet of at least sixty ships of the line was rendezvousing at Cadiz to effect the reduction of Jamaica, and in order to complete the annihilation of the British dominion in that part of the world; and the Commodore asked, was not such a power adequate to complete it? For beyond dispute, he doubted not, it would be allowed that Admiral Pigot had not a power to dispute the naval pre-eminence in the West Indies, with such an enormous and disproportionate force as had been ready to dispute the dominion of those seas with him. The Commodore, after mentioning some farther circumstances on which he grounded his assent to the conduct of ministers, answered the noble Lord with respect to Holland. He said, we were not to trust to the feuds and civil distractions with which that country had been for some time torn, they were wearing away apace, and, roused at length from her lethargy, her coalition in active operations with the House of Bourbon would indisputably sink us under the power of such a monstrous confederacy. On the event of a junction in active war, it was impossible to suppose that we could meet them upon any footing of equality; for supposing that we were even in the superior appointment of our ships, and the spirit and skill of our men, though inferior in the number of our shipping, qualified to hold the empire of the sea from the House of Bourbon, which the Commodore doubted, yet, with the coalition of twenty-five ships, which the Dutch could in the ensuing campaign undoubtedly furnish, he would not bind himself as to the number of guns, fifty-four, sixty-four, or seventy-four, but he would state the given number to be all two-deckers, we must to all intents and purposes be inferior and unqualified, either to keep the sea, defend our foreign possessions, or even our own coasts; nor could it, in the nature of things, be supposed, that Holland would long continue in that unhappy situation which she was then involved, at least it was too weak a reliance for us to trust to, and a presumption that neither wisdom nor policy could warrant. The Commodore thought it his duty to state those circumstances to the House, and it was on considering those circumstances he thought himself well warranted in giving

ing his tribute of approbation to Ministers with whom he professed himself unconnected.

Mr. *Secretary Townshend* expressed his surprize that after the House had been led to expect a serious enquiry into the different articles of the peace; after they had been taught to believe that the address moved for on Monday last, had been modified for no other purpose than that of affording gentlemen time to consider maturely, and weigh with attention and deliberation, every part of the different treaties: the noble Lord should now call upon the House to condemn without consideration, what he could not approve, because he had not considered it: if enquiry should necessarily precede approbation; with much more reason ought it to precede censure; he was therefore really surprized that the noble Lord should have acted the part which he then appeared in. He perfectly coincided with the noble Lord in his first, second, and third motions, which, in his opinion, were absolutely requisite to shew to France, Spain, and America, that the Parliament of Great Britain were determined to ratify, in the fullest and most ample manner, those Preliminaries of Peace lately agreed upon, and that nothing was farther from the intention of the House, than in any, even the smallest degree, to intimate an idea, that the faith of treaty should not be preserved, and that the royal word, pledged under the authority of the constitution, should not be kept inviolable, so far as Parliament could preserve it from infraction. The honour of the nation was insulted by the propagation of the report, which, whether it originated, from the ignorance of the wretch who first sent it abroad, or from the designs of party, yet demanded a proper, a full, and a parliamentary contradiction. For these reasons, the first motion met his most hearty concurrence. As to the second, he saw no reason to deny his assent to it; indeed it did not appear to him very consistent with the conduct of those who patronized the amendment, and condemned the peace; for to improve the blessings of a peace, which they called disgraceful, dishonourable, and ruinous, was to suppose that ruin and dishonour were blessings. The third was what Parliament, in a very full assembly, deemed requisite, the independence of America; and therefore he could not possibly have any objection to it. The fourth, indeed, wore a different complexion; it respected an intention in Parliament to take up the cause of the Loyalists, and make a provision for them. The Loyalists claimed, it was true, every affection from this country, whose

Mr. Secretary Townshend.

whose cause they supported; and were they to be abandoned by Congress, or to be oppressed by the laws of America, then it would become a matter of duty and gratitude in Great Britain, to do every thing in the power of Parliament, and the abilities of the nation, for their assistance. But when the Provisional Treaty referred them to the honour of Congress, and in a manner bound America to restore to them the property confiscated, and to confirm to them what they held, it would argue a want of belief in what we had done, if we substituted a provision by Parliament, which we looked upon as confirmed in negotiations. What would America say to such a resolution as that proposed by the noble Lord? They would instantly argue, and not without justice, that Great Britain recommended a matter which they did not imagine would be put into execution; and that to shew their disbelief of it, they agreed to a resolution, which threw a reflection on Congress; and almost, in the moment of paying a compliment to the honour of America, told the world they had no confidence in that honour. Surely, said the right honourable gentleman, it would be proper first to try the result of a proposal before we determine on its effects. It will be time enough to decide when the evidence is substantiated, and the fact so fully proved, as to require the interference of the House. To anticipate, in such circumstances, what there is but a possibility of happening, would be to insult that power with whom we have just formed a reconciliation. For these reasons, and the right honourable gentleman hoped they would come home to the judgment and good sense of every man, he should give his negative to the fourth resolution. As to the fifth, that was of such a nature as required little deliberation. It censured the Ministers concerned in making the peace, and therefore he should on that move the previous question. The noble Lord who moved these resolutions had mentioned that the idea of peace being against the sense of Parliament, was sent abroad either through the ignorance of some foolish wretch who mistook the sentiments of the House, or by the designs of party for some sinister purposes. He assured the noble Lord, he did not send abroad such a story; nor could it answer any view of the present Administration, either to deceive the people, or misrepresent facts to France, Spain, Holland, and America. There were other quarters from whence such reports might have arisen, where an interest to distract the empire was more naturally, or rather more politically existing.

After

er having said thus much, he observed, that from the knowledge he had of the unshaken integrity and honour of the noble Lord, who had moved one of the propositions, and was about to move the others, he was convinced that it was not in his own nature to act uncandidly by any man; but he might be led away by that respect, which he entertained for others, who knew how to chuse their man, when they wanted to have any thing done, that was not of itself evidently right; for they were aware that the most candid man in the nation was the most fit person to make the House think, that the measure proposed was not uncandid. He was perfectly convinced that his noble friend was not the real author of these resolutions; he had not a head or a heart to conceive and propose an uncandid measure; though his own native honesty making him judge of others by himself, might make him imagine that candour was not wanting to those, who had persuaded him to take the lead in this business; if he was to be judged by the head and the heart of that noble Lord, he should not fear to be able to make the peace appear to him a real blessing to this country.

Sir *Peter Burrell* declared that he concurred most heartily Sir Peter
Burrell. in every one of the resolutions, that had been read by the noble Lord: but more especially in the fourth, which conveyed a direct censure on the most disgraceful, the most infamous treaties that had ever insulted that or any other House of Parliament; treaties which contained almost as many concessions as they did articles. Upon what principle had ministers attempted to justify them? By declaring that the state of resources in this country was such that it was absolutely impracticable to prosecute the war. How insulting the plea to a high spirited nation, who knew its own dignity too well, and its own resources to submit to dishonourable terms of peace! If that spirit had been called forth, we should not now have to complain of an inglorious peace; but the present Ministers were incapable of calling it forth, or directing it with any advantage to the public: the plea of inability to carry on the war, would lead to consequences, which probably ministers were not prepared to defend; for if it would justify them in making the present peace, it would also qualify them in making a worse, if a worse could possibly be made: he would ask them, if in consequence of the disordered state of our finances, and resources, they would have ventured to set their hands to a treaty which should surrender Nova Scotia, Canada, Newfoundland, and Gibraltar; and sent the brave but unfortunate Loyalists with

halters about their necks, to Philadelphia to implore the mercy of a merciless Congress? Would they have consented to such a peace? If they would not, they must have resisted demands that would cover them and their country with disgrace. If therefore they had it in their power to resist, why did they not avail themselves of that power, and so avoid the conclusion of a treaty, remarkable only for the humiliation and degradation of a great and powerful people, who were not yet so reduced as to be under any temptation to sacrifice their honour and their reputation? The framers of this infamous peace had (one might imagine, by way of mockery) declared in the Provisional Treaty, that it was to be founded in mutual interest and reciprocity; but that reciprocity was darkened with such deep shades, that it was absolutely impossible to discover it. We were to give to the Americans independence; New York, Charles-town, the most of the province of Canada, the liberty of fishing on the coast of Newfoundland, and drying their fish on the unsettled parts of Nova Scotia: and what was to be given to us in return for all these concessions?—Nothing. He asked, if he was not justifiable, therefore, in asserting that the reciprocity of this treaty was no where to be discovered? It was argued also, that the great concessions made of territory, and other advantages to the Americans, were consented to merely for the purpose of making the peace durable, by taking away every handle for dispute; but would any gentleman say, that leaving the Americans at liberty to dry their fish on the unsettled coast of Newfoundland, was the way to prevent disputes? Definitive and precise terms could alone produce that desirable effect; while indefinite and vague expressions would open a wide door to those very disputes, which Ministers said they wanted to keep out. How would the word unsettled be understood hereafter? What number of houses or plantations would be necessary to constitute what was called a settled coast? For his part, he saw in this wording of the treaty, an eternal source of quarrels and disputes: and when he considered the footing on which the Americans were with the French, he was not without his apprehensions that the right which the treaty granted to the latter to dry their fish on a coast near one hundred and ninety miles in length, would occasion various attempts to bring in the Americans to a participation of this privilege; and consequently lay the foundation of endless broils, which in future might be the more serious to this country, as France was now left
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at liberty to fortify Miquelon and St. Pierre, where she would be able to afford shelter and protection to her own ships and those of her allies. The article relative to the East-Indies was such, in his opinion, as if it had been worded for the particular purpose of concealing its true meaning, if in truth it had any meaning at all: it was like the Jesuit's double creed; and was susceptible of various interpretations; for he really believed, that if twenty different persons had been called upon to explain it, they would have all explained it different ways: where was there the clear road marked out, of which Ministers so much boasted, that would prevent any man from going astray; and would infallibly lead him to the true meaning of the article; and consequently would remove the causes of future quarrel? The fate of the Loyalists claimed the compassion of every humane breast; these helpless, forlorn men, abandoned by the Ministers of a people on whose justice, gratitude, and humanity, they had the best founded claims, were left at the mercy of a Congress, highly irritated against them. What then could they expect from such an assembly? Why, truly, nothing; and therefore he might fairly say that nothing had been obtained for them by this country. If nothing else was wanting, was not this enough to damn a peace, and render it infamous in the eyes of all honest men. He spoke not from party zeal, but as an independent country gentleman, who, unconnected with party, expressed the emotions of his heart, and gave vent to his honest indignation: feeling, therefore, as he did, it was not at all wonderful that he should declare, as he then did, that all the propositions of the noble Lord should have his most hearty support.

Sir Cecil Wray spoke to the following effect: If I differ in opinion with the honourable member who spoke last, it is perhaps owing to that gloomy consideration of our present miserable state, which I think called out for peace, almost at any rate. But, Sir, I rise principally to deplore the unhappy state of our intestine divisions. I do not condemn those gentlemen, who, high in the estimation of the public, are candidates for power, but I lament that every public consideration seems to give way to their struggles for it; this destroys all confidence betwixt man and man, this prevents any system being formed for the welfare of the State. Sir, I have heard that a coalition is about to take place with that old ministry, whose mal-administration had led us into all those difficulties which made the present peace eligible. What may be

Sir Cecil
Wray.

other gentlemen's opinion, I know not; but for one, I do solemnly declare, that I never will support an administration so formed. For the present Premier, I know little of him; various reasons concur to make me wish him out of power, but not for having made the peace on the table; in some things I wish he had gone farther; for instance, why is the nation incumbered with the expence of keeping up a garrison at Quebec, when the only use for the fortrefs, the trade of Canada, is relinquished. Gibraltar too, — but here I tread on unpopular ground; but from the best intelligence I have been able to procure, that fortrefs is of little use to us in war, as expensive in peace: do country gentlemen know, that it will require one shilling in the pound (500,000*l.* a year) to maintain it. This, Sir, might have been bartered for some of those valuable territories (the Newfoundland fishery for instance) that we have ceded. Sir, I do in the most solemn manner call on the country gentlemen to unite in a body to rescue us from this disgraceful situation; we are united in principle, let us exert ourselves in practice; I call not only on those with whom I have always acted, but on those independent gentlemen, who having joined the late administration, have at last their eyes opened; let us step forward, and if there should be a gentleman, whose influence has prevented that punishment which was due to the authors of our calamities, let him be put off; if there is any gentleman in a constant opposition to public reform, and constitutional regulation, let him also be abandoned. Should this be either impracticable, or not meet the concurrence of gentlemen, I will, for myself, say, that I was invited by a most respectable number of my present constituents to this honourable station. I will serve them faithfully and diligently for the remainder of the session, and then with their consent (as I can be no longer useful to my country) I will voluntarily resign into their hands, that power which from them is derived, and to them accountable.

Sir Horace
Mann.

Sir *Horace Mann* declared himself to be a man unconnected with parties; standing alone as a single individual, he rose to give his opinion; he had no political connections, nor was he influenced by any other than public views in his decisions. What had been asserted by the right honourable Secretary, of parties in the House, and struggles for power, he knew nothing of, it might be the case; he was affected to neither party, nor party views; that which seemed to him to have the object of his country's good in view, was that which met his approbation, and would have his support. He had the
highest

highest and greatest respect for the noble Lord, whose propositions were then the subject of their discussion; he firmly believed him to be of the nicest feelings of honour, integrity, and virtue. There were many other persons of the same description in his Lordship's connection, and with whom it was said the noble Lord acted. On those grounds, was the honourable gentleman disposed to give his support to the noble Lord, because he believed that the views of the noble Lord, and his connections, were strictly consistent and consonant with the interests of their country; if that made him a party man, he undoubtedly was of the noble Lord's party; but he again professed himself to be of none; and if his not meeting the peace with his approbation also made him so, he of course was one, for he to all intents and purposes execrated the peace, it was in every idea of his, a heap of every thing that was disgraceful and degrading to this country. Sir Horace did not much approve the insinuations of Mr. Secretary Townshend; that the noble Lord had been dictated to, that those resolutions which he had proposed to the House, were not his own sentiments, that they were neither the language of his head, nor his heart. Lord John Cavendish was of a reputation superior to such descriptions, he would not become the instrument of any party, nor would he suffer himself to be dictated to by any man, or body of men whatsoever. Sir Horace took up warmly this part of Mr. Secretary Townshend's speech. He took notice of the proceedings on Monday, and went into the articles, marking every one of them with reprobation, lamenting the American war, and replying to what fell from an honourable Baronet who had spoken before him relative to Gibraltar; that fortress Sir Horace contended, was invulnerable, and consequently above price to this country; it had effectually proved its value this war; had it not been for the powerful diversions it gave the Spanish arms, how situated would this country have been? How situated would our foreign possessions have been, had not Gibraltar proved a safeguard to our very remotest possessions? If the arms of Spain had been disengaged from an enterprize that exhausted her treasures, obscured the glory of her name in the transcendent lustre of ours, and had such decided superiority to us, had she, the honourable gentleman asked, applied that waste of blood and treasure to our more vulnerable territories, what situation should we have been in? Sir Horace then contended, that as Gibraltar would to eternity operate as a diversion to the Spanish arms, it consequently was a first

object to this country to preserve Gibraltar at all events in our possession, as a consideration of the very greatest magnitude. He concluded his speech with his hearty support to the motions of the noble Lord.

Mr. David Hartley was of the same opinion, and coincided in support of the motion.

The Speaker read the motions, giving it as his opinion that the question should be regularly put on each, and that they should be debated one by one. This brought on a conversation in respect to the mode, in which Lord North, Governor Johnstone, Mr. Townshend, Lord John Cavendish, and other gentlemen took a part, and which ended in a resolution that the question should be put on each.

Sir Richard Sutton said a few words, and was followed by General Conway, who also spoke as to the regularity of the proceeding, and coincided on the Speaker's idea of putting the question separately.

Governor
Johnstone.

Governor *Johnstone* said, the words of the last address were so explicit, that he thought they could only be misunderstood by some person who had but just learned to read, without knowing the substance of what he did read. He thought the House was bound to support the ratification of peace, because they were constitutionally pledged so to do. And no man, said the honourable Member, but a madman, a fool, or a knave, could send any other idea into the world.

Lord New-
haven.

The Speaker then put the question on the two first motions, which passed *nemine contradicente*; but when he came to the third, respecting the grant of independence to America, Lord *Newhaven* objected to it, alledging, as a reason for his so doing, that he did not think the King, Lord and Commons, had a right to part with the property of Great Britain. His Lordship entered into an argument on the right of the Crown to dismember the empire, and insisted that no such authority was vested in that high branch of the Legislature. He even averred, that the three Houses of King, Lords, and Commons could not, by an act passed in all its forms, would not be sufficient to dismember the British empire. He was proceeding to elucidate his argument, when the cry of question was so loud, that his Lordship sat down.

Sir William
Dolben.

Sir *William Dolben* said, he knew not whether it was owing to an invincible pertinaciousness of mind, or to some better motive, but he was not yet convinced by what power his Majesty had granted independence to America, and therefore

as

as that was the last opportunity he should have, he would once more call upon those who advised his Majesty in law affairs, to give him some information on that important particular. His Majesty, (as he had on a former occasion stated) had declared in his speech on the opening of the session, that he had gone to the full extent of the powers vested in him, but he had not mentioned what those powers were. He desired therefore to know if he had done it by his prerogative royal, or by statute, and if by the latter, he begged to have the statute pointed out to him. He was aware that one learned gentleman had declared in Monday's debate, that the act of the last session empowered his Majesty to grant the independence. He had read that act with the utmost attention, and he could not discover any one sentence of it that conveyed any such power. The act authorized his Majesty to suspend certain statutes, if necessary to make peace, but that did not amount to a power to abdicate the sovereignty of America, or to alienate any part of his dominions; if the prerogative royal did not extend far enough, Sir William conceived the power should have been given by an express statute, and not bolstered up by an act of parliament, which, whatever implication or construction it might bear, did not, upon the face of it, vest any such authority in the Crown.

Mr. Wallace said, that he had brought that bill into the House, and he would fairly declare, that the power was undoubtedly given by the act alluded to. The objects in the purview of the act were two-fold, a peace and a truce. The power of suspension, with regard to certain acts of parliament, therefore, had reference to the latter, the power of repeal to the former. Mr. Wallace said, he knew of no prerogative, that authorised his Majesty to abdicate part of his sovereignty, or declare any number of his subjects free from obedience to the laws in being. As soon as the resolution of the House had passed, which put a padlock on the British sword, to make peace was obviously the next step to be taken; with the view, therefore, to enable his Majesty to attain that object, he had drawn the bill, and as the subject matter of it was extremely delicate, he had been exceedingly cautious in wording it as generally as possible; but the whole aim of it was to enable his Majesty to recognize the independence of America, because America not only possessed independence *de facto*, in levying war, raising troops, coining money, imposing taxes, and administering justice,

Mr. Wallace.

justice, as completely as any other sovereign state, because America had declared explicitly, that she would not treat with us but on the previous condition of our recognizing her independency, and giving her that *de jure* which she already possessed *de facto*. That the statute of last year gave the King a power to recognize the independency, was indisputable, since by the wording of it, that power was vested in the Crown expressly, any law, statute, matter, or thing to the contrary notwithstanding.

Sir William
Dolben.

Sir *William Dolben* said, he was still so unfortunate as not to be convinced. A power of so very important a nature as that of setting millions of subjects free from their obedience to the laws, ought not, in his mind, to rest solely on the construction of an act of parliament, a construction which the act itself did not bear, however the lawyers might ingeniously explain it. He had, he observed, seconded the bill in question, when it was originally brought into that House as a bill, but he had no idea that he was seconding a bill to empower his Majesty to grant the independence. Indeed he must have had uncommon foresight, or rather a degree of second sight, to have been able to discover that a bill, which had no such word in it as independence, authorized his Majesty to recognize the independence of America.

Mr. Ken-
yon.

The *Attorney General* (Mr. Kenyon) said, he verily believed the honourable gentleman was not to be convinced by any arguments.

Sir Francis
Basset.

Sir *Francis Basset* called him to order, and wondered that any member of that House should dare to advance such an assertion. He justified Sir William Dolben's conduct, and declared the cause of the honourable Baronet's doubts, of such weighty consequence, that he was perfectly justified in desiring the fullest information.

The Attor-
ney General.

The *Attorney General* rose again, and declared, he meant not what he had said, as matter of offence to the honourable Baronet; but as every gentleman knew there were points on which men made up their minds so firmly, that no argument could alter their opinion; he conceived this to be the case with the honourable Baronet; and to that case he had intended to allude. With regard to his learned friend's assertion, that he knew of no prerogative that authorized his Majesty to free any part of his subjects from obedience to the laws, as that matter was not now the subject of debate, he would only say, that whenever such a question came forward, he would meet his learned friend, or any other

other lawyer, upon that point, and maintain the contrary. For the present, it was enough for him to say, that the act of last session clearly gave his Majesty a right to recognize the independence of America; and it was obvious, that the Americans, standing in the predicament of persons declared to be rebels at the time of passing the act, it was necessary to word it in the general and cautious manner, in which it stood upon the statute book.

Sir *William Dolben* assured the learned gentleman, that his expression had not given him the least offence. He had understood it exactly as he had explained himself to have meant it. He begged him, however, to believe, that he was open to conviction, and not to do himself so little justice as to imagine, that whenever he would give himself the trouble to endeavour to effect such a purpose, he had it not in his power to convince him thoroughly.

Mr. *Lee* coincided with his learned friend, that the statute of last year gave his Majesty authority to recognize the independence of America, and declared that nothing but an express statute could have given any such power, as it did not belong to his Majesty in right of his prerogative. He wished to avoid those terms of insult and uproar with respect to the Americans, which had been so lavishly used in that House in the beginning of the war; and which had not done us any good. Mr. *Lee* took notice of a declaration of Lord *Newhaven's*; that noble Lord had felt himself so persuaded, that the King had no authority whatever to grant the independence, that he had even gone the length of asserting, that an act of the legislature, passed in all its forms, and having the joint concurrence of the King, Lords, and Commons, could not delegate to the Crown any such power. This declaration, Mr. *Lee* said, was not founded. No man could argue in that House against the authority of an act of the legislature; undoubtedly every act regularly passed, was binding on all the subjects of the realm; but if ever such a monster should arise as the Crown and Parliament, concurring to destroy the constitution, there were then other powers to be resorted to, which decency forbade his mentioning under that roof, but which had before, and would again, in all probability, interpose to rescue the constitution from destruction. Mr. *Lee* denied that any part of the King's subjects assuming the exercise of government by levying war, imposing taxes, and administering justice, implied a virtual dereliction of the sovereignty, unless that sovereignty was con-

constitutionally abdicated, it still had existence, though it might for a time be violently withheld.

Mr. Wallace.

Mr. *Wallace* rose again and said, with regard to the question as to the extension of the prerogative of the Crown, he was ready to accept the challenge of his learned friend who spoke last but one, and to argue that matter whenever he pleased. As to the declaration of the Honourable Baronet, that the statute of last year did not once mention the word independence, the fact was true, and the reason of it was obvious. If the act had expressly stated, that its object was to enable the King to acknowledge the independence, there would have been an end of the question, and the independence would from that moment have been recognized to all intents and purposes. The principle of the act was to enable the Crown to make peace with America, not to trench upon the province of the executive government, and dictate the terms of peace. As the recognition of the independence was one of the terms America insisted on as a preliminary, it authorized his Majesty to make that recognition, but for the reasons he had stated in his former speech, it did not of itself make it.

Mr. Rosewarne.

Mr. *Rosewarne* thought, as doubt prevailed, whether the act in question did or did not empower his Majesty to declare the independence of America, the present resolution would tend essentially to put the matter beyond all doubt.

Mr. Adam Ferguson.

Sir *Adam Ferguson* declared himself ready to subscribe to the opinion, that the act of last session went the length the learned gentlemen had contended, and gave the Crown the power in question, but he nevertheless thought his Majesty had exceeded the act, and as appeared from the Provisional Treaty had gone farther, than he had any legal or constitutional authority to go. What he meant was the cession to the United States of America, of a great part of the province of Quebec, and of Nova Scotia. He knew of no authority whatever that the Crown was invested with, to make that cession. The Quebec act, the only statute in being that fixed the boundaries of Canada, stated that those boundaries should continue to be the limits of Canada, as long as the Crown should think proper. Sir Adam reasoned upon this matter for a considerable time, and thought something necessary to cure the evil, and to prevent future doubt and uncertainty, which might occasion much mischief.

The Solicitor General.

The *Solicitor General* Mr. (Arden) said, when he had been below the bar, he had always found the House wished to get rid of the lawyers, he therefore rose, with a view of taking

taking the debate out of their hands, and therefore he desired the question might be read.

This being complied with, Mr. Solicitor begged leave to remind the honourable Baronet who spoke last, that the cession of part of Canada was not then the subject matter of debate, but the recognition of the independence of America. He trusted, therefore, that the House would confine themselves to that alone, and perhaps it had been already sufficiently discussed, his learned brethren in general agreeing, that the act of last session gave the Crown power to make this recognition. He desired, however, that if the debate upon the present motion did proceed any farther, gentlemen would confine their arguments to the real subject matter of the question, and not waste the time of the House unnecessarily, when there was another motion to come under discussion; which every gentleman must be aware, would engage a considerable share of their attention.

Mr. Eden said a few words in concurrence with Mr. Solicitor General's opinion as to the matter referred to by the honourable Baronet, not being then under consideration: he remarked at the same time that there was great force in what had fallen from the honourable Baronet. It was that very point, he said, the cession of 18,000 square miles of country to the United States that had struck him; when he first saw the Provisional Treaty, and had impelled him to rise, as the House would recollect, as soon as the articles of that treaty were read, and mention the circumstance to the House.

Lord North said, he had opposed the resolution of that House which put an end to the American war; but the resolution having been carried, Government, he said, were compelled to take some constitutional measure to enable his Majesty to recognize the independence of America; since America had declared she would not treat for peace but on that condition, and peace was obviously the only matter then to be aimed at. The act that had been so frequently alluded to, had been brought in by his learned friend for that express purpose, and when it was considered that no man of the learned profession was allowed to be more accurate in drawing a legal instrument, the Honourable Baronet, who had started his doubts of the matter, might rest assured, that it was drawn with every possible care, and that the word independence was purposely omitted for the reasons already stated.

Governor
Johnstone.

Governor *Johnstone* said, the gentlemen of the bar were such clear-headed reasoners, and argued in such a double way, that it was impossible to contend with them either one way or the other. They puzzled the question so much by their mode of treating it under the two distinct heads of a peace and a truce, that no man of plain sense could either contradict or derive information from their arguments. This, however, he would say, that he should have expected that a statute passed, as it was now declared, expressly for the purpose of empowering his Majesty to recognize the independence of America, would at least have said something that led to that idea. He contended that it did not, and as he was not in the country, when the act passed, he had applied to the Honourable Baronet for information, expecting, as he seconded the motion, for leave to bring in the bill, that he certainly would have been able to inform him, whether it did or did not give the Crown any such power as was now pretended; the Honourable Baronet had declared to him, that he never understood it to convey any such authority. The Governor added, that he believed it was the only statute ever passed, that never once mentioned, for what purpose it was made a law; government, he ever had considered, as having taken a bold measure on the ground of necessity; in order, therefore, to remove future doubt and difficulty, he would now move as an amendment to the question.

“That his Majesty in acknowledging the independence of the United States of America, by virtue of the powers vested in him by the act of the last session of Parliament, *“To enable his Majesty to conclude a peace or truce with certain Colonies in North America,”* has acted, &c.

Sir William
Dolben.

Sir *William Dolben* rose once more to declare, that he really never understood that the bill was meant to convey any such power, or he should not have seconded it at the time; he had conceived it went no farther than merely enabling his Majesty to suspend certain acts of Parliament, as the means of making peace. His reason now for stirring the question was, if the lawyers had been of the same opinion that he had entertained, he meant to move for a bill of indemnity for what Ministers had done.

The amendment moved by Governor Johnstone being received, the motion so amended was put and carried.

Lord

Lord *John Cavendish* then moved his fourth resolution, Lord John Cavendish.
viz.

“ That the concession made to the adversaries of Great Britain, by the Provisional Treaty and Preliminary Articles, are greater than they were entitled to, either from the actual situation of their respective possessions, or from their comparative strength.”

Mr. *Powys* declared it was with the most painful feelings, Mr. Powys.
that he then rose to oppose a motion made by the noble Lord, whose candour he had long admired, and whose principles he had been accustomed to revere; he had expected, after what had been assigned by the other side of the House, as the grounds of the amendment moved to the address, a few days since, that a motion would have been that day made for the House to resolve itself into a Committee, in order to take the Provisional and Preliminary Treaties into their serious consideration, and that those treaties would have been discussed and investigated article by article. Such a motion appeared to him to be a natural consequence of what had been said last Monday; but to deny then that the articles had been seriously considered, and to call upon the House now, without any farther consideration, to vote a motion of censure upon the peace, appeared to him perfectly irreconcilable either with reason or common sense. How came the House to be that day more ripe to declare an opinion on the peace than they had been last Monday? How had they spent the three intervening days? Had that time been dedicated to an examination and discussion of the articles? Every gentleman knew it had not been so employed. How then was the House to proceed to a vote of censure? What without papers and without sufficient information on the subject, to enable them to form a judgment upon the whole of the treaties! He trusted, the House would act more prudently, and would reject the motion. Of this he was certain, the noble Lord in the blue ribband could not vote for it. The noble Lord had expressly declared in his speech on Monday last, that he would not vote a censure upon Ministers. For consistency's sake, therefore the noble Lord could not vote for the present question, and as his friends stuck pretty close to him, he trusted that the motion would not be carried. With regard to the peace, Mr. Powys said, he had already declared there were parts of it, which he had wished not to have seen in the treaties; but that nevertheless such was the situation of the country; such the state of our finances,

and such the power of the confederacy formed against us, that he was ready to accept the peace, as it was, and to say it merited the approbation of Parliament. How an honourable gentleman over the way could say otherwise he was at a loss to imagine. That honourable gentleman, the House would recollect, had talked of the necessity of a peace pretty strongly some months ago, and when he afterwards came into power, and had from that circumstance the fullest opportunity of information, he had told the House, that bad as he had formerly described our situation to be, he had found things to be much worse than he had painted them, and that almost any peace was acceptable. How that honourable gentleman would act that day, he as yet knew not, but he should be a good deal surprised, if he was to stand up and support the motion. The plain meaning of the question was in his opinion, not whether the peace deserved praise or censure, but to remove the present Administration. He wished foreign Courts as well understood the matter as they did within those walls; then the question could do no great harm. As to any idea that the peace had been hurried on merely to keep Ministers in power, he could say nothing of Ministers collectively, because he knew them not collectively; but there were some in office of whose honour and integrity he was so well convinced, that he was persuaded they would spurn at such an idea, and hold it in as much contempt, as he dared to say, his noble friend who made the motion. With regard to the first Lord of the Treasury, if his removal was the principal object of the motion, he took that matter to be pretty well decided already. The division on Monday last was a pretty broad hint to that Lord, that he was not altogether so popular as he had imagined. He cautioned the House, therefore, against being drawn in to adopt a motion which might prove of the most pernicious consequence to their country. Perhaps what had passed on Monday last might do much harm abroad, and stop France from disarming herself. In that case, instead of the peace, we should see our late enemies observing an armed neutrality, and should be under the necessity of keeping up a l our war establishments, by which means the nation would still groan under that immense burthen of expence, to relieve us from which a peace was so desirable. If the peace was bad, let the House look to the cause of it. The noble Lord in the blue ribband, by his

mal-administration of affairs, had plunged us into the war, and brought on all those calamities which now obliged us to accept the peace such as it was. To the ill-timed lenity of the present Ministry it was owing, that the noble Lord enjoyed his present situation. Had those enquiries that had once been talked of been carried on, he was persuaded they would not on Monday last, or that day, have witnessed the very extraordinary and unnatural coalition and alliance, that had been formed against Ministers. Last summer, he said, he had observed something like a sterling principle in party; he wished that principle to remain pure and incorrupt, and he advised his noble friend who made the motion, to recollect, that though some alloy might be necessary to make the political coin sufficiently durable for currency, yet that care ought to be taken not to debase it entirely. Mr. Powys concluded with declared he should give his negative to the motion.

Lord *John Cavendish* rose with some warmth, and advised his honourable friend not to let his wit out-run his judgment. He should have felt his compliments more forcibly, and thought they deserved his thanks, had they been given him unaccompanied by those sarcasms levelled at the present motion, and at what the honourable gentleman had been pleased to term, an unnatural alliance. With regard to the facts on which his motion was grounded, the honourable gentleman had himself admitted them; and he would venture to say, there was not a man in the House who could lay his hand on his heart and deny that the peace was a bad one, and such a peace as under the relative circumstances of Great Britain and her enemies ought not to have been made. As to the alliance, respecting which so much had been said, let gentlemen look back to the year 1757, when the country had been more torn by violent parties than ever was known before or since. Administration came in after administration, and no one set of men staid in for any long period; nay for eight months together, in a time of war, the country might be said to have no government. What was done then? Men of all parties saw the necessity for uniting. They did so; the several factions forgot their animosities, and out of all the different sets of men an Administration was formed, that carried this nation to a pitch of glory unknown before. So at present nothing but an union of great and able men could save the country. He owned, it gave him great comfort, that he had been able to effect such an union.

Lord John
Cavendish.

With
regard

regard to the sort of connections he had lived in, he said, they had been the chief happiness of his life. That he had seen an honourable friend of his, whose early indiscretions made the obtainment of high situation as desirable to him, as his great and brilliant talents qualified him to have such an ambition, from an impulse of principle so extraordinary and unexampled, that he could scarcely have believed any man, under any circumstances, could have carried his principle to such an uncommon length; abandon place and power, and give up every thing that his ambition could desire, sooner than act with duplicity. Such conduct had rendered his honourable friend dearer to him than ever, and feeling for his honour in conformity to an action that spoke it so forcibly, he never would advise his honourable friend to do what he thought either derogatory to him, or improper in itself. His Lordship after this dwelt for some time on the nature of political connections, and said it had ever been customary for men of great abilities, and men of high rank and weight in the country to unite. It rarely happened that the abilities and the fortunes of persons went together. Men of the greatest affluence seldom were possessed of the most powerful talents. In order, therefore, to do their country service, it became the one description of persons to connect itself with the other. He had followed that rule; and though others might not have so affluent a fortune as he was blessed with, they had greater abilities, and by joining both, he was convinced he made himself respectable, and contributed essentially to the public good.

Mr. Powys. Mr. Powys said a few words in explanation; the chief object of which was, to assure Lord John that he meant nothing personal to him in his former speech, that could give him any offence.

Mr. Edw. Ashley. Sir Edward Ashley declared he approved of the peace; peace was absolutely necessary for the country, and if it was not so good as gentlemen might think it ought to have been, the noble Lord in the blue ribband, and not the present Ministers, were to blame. That noble Lord's conduct had produced the disgrace which we now felt. He lamented exceedingly that the enquiries into the noble Lord's conduct, that were once talked of, had not been pursued. The reason was obvious; the last administration, having granted two improper pensions themselves, did not dare to

call

call the noble Lord to account for the pension granted to him, and to a late Secretary to the Treasury.

Mr. *Wilbraham Bootle* said, he knew not whether he was to call himself a country gentleman or not; but certainly he was of no party. He had seen so much injustice transacted in that House, through the influence of party, while he sat in the gallery, and before he was a member, that when he came into the House, he had washed his hands of party for ever. With regard to the peace, he thought it by no means a good one, or such a one, as considering the relative situation of the country, ought to have been made; but knowing that when once made, it ought to be kept sacred, he was ready to adhere to it strictly, though he could not approve it, nor pay Ministers any compliments for having made it. There was one part of it at which his heart bled; the article relative to the Loyalists. Being a man himself, he could not but feel for men so cruelly abandoned to the malice of their enemies. It was scandalous, it was disgraceful! Such an article as that, ought scarcely on an condition to have been admitted on our part. They had fought for us, and ran every hazard to assist our cause; and when it most behoved us to afford them protection, we deserted them. Mr. Bootle gave his assent to the motion.

Mr. Wil-
braham
Bootle.

Mr. *Macdonald* stated this country to be as new as that of America, with respect to the care and attention necessary to be paid to her political and commercial interests, by reason of a vast revulsion in her whole frame. He dwelt earnestly on the necessity of calling to the assistance of the state its utmost stretch of skill, ability, and integrity. Having exhausted this topic, he proceeded to shew, that wit and sharp altercation, which had been used in the course of the debate, not without a mixture of animosity and party spirit, were peculiarly unfit for the present occasion, when a proposition lay before the House of infinite importance. A proposition possibly, or rather probably, the parent of future calamitous effects. He wished, that in order to judge coolly of the specific proposition then before them, every thing personal, which had been alluded to with some warmth now, or upon any past occasion, could be obliterated from the mind of every gentleman present, as the introduction of collateral considerations, in fact made so many new questions. He proceeded to remind the House, that it had been admitted, on all hands, in the course of the former debate, that even an implied censure was not intended, and that the specific reason

Mr. Mac-
donald.

reason given for abstaining from commendation was, that the grounds on which the articles of peace had been concluded, were then unknown to the House, whilst the articles, upon the face of them, were partly defective, and partly unintelligible, which he felt and acknowledged. If the House, therefore, barely upon the face of the articles, were not ripe for commendation, was it possible for the same House, upon those identical materials, honestly to say they were ripe for censure? He pressed this argument to its utmost length, considering the present question, both on the footing of political expediency, and justice to individuals. Every man, he contended, who felt himself not sufficiently grounded to applaud, must, *a fortiori*, acknowledge himself much less prepared to censure. He then adverted to the actual state of the treaty of peace, compared with its ultimate conclusion, and shewed that the imperfections and obscurity justly ascribed to the Preliminary Articles, furnished a conclusive reason for abstaining from a condemnation of them in a parliamentary form, and for this simple reason, that the more imperfect they were, the more remained to be done by farther negotiation. He reminded the House, that the Dutch treaty was not yet concluded, which had been used as a powerful argument on a former day, to prove the inability of the House to proceed to commendation, and which ought by every rule of justice and fair dealing to have the same or greater weigh, when censure was proposed. To interpose vindictively midway between the most accurate articles which could be penned, and the definitive exposition of them, he argued must be at all times dangerous, and that it became the more so in exact proportion to the inaccuracy of those articles. That his own resolution had been, not to have voted for any address, amended or otherwise, but to let the matter rest, dreading that the slightest censure thrown out in the agitation of the merits, might lead to the nonsense and absurdity out of doors, which caused an imagination that peace itself was uncertain. Thus much however he contended, must be allowed, that if the present resolution passed, asserting that territory had been wantonly ceded, the other contracting powers must conclude that the durability of the peace was very precarious, although its final ratification might in their opinion admit of no doubt. What effects this might have on the East-Indies in particular, he would rather hint at than express. He then proceeded to state the possible effects which it might have already produced in the minds of foreign Ministers,

Ministers, which could be confirmed or refused by persons in office, and dwelt upon the pretence it might afford, to stop the disarming in France, where a strong party in the cabinet had pressed for farther war, and the consequent impossibility of disarming in England. In this part of his argument, Mr. Matdonald was led to touch upon the fatal disclosure which had been made in that House, respecting the state of the land service, and ventured to pronounce, that if the House had had patience to forbear from entertaining that subject, till they had been furnished with decent materials for judgment, they would have seen the incident which provoked that question in a very different and a very extraordinary point of view.

Having fully discussed all those points, he begged permission to say a few words on the next resolution which the noble Lord had opened, though certainly out of order, as it might spare him the pain of rising again. The House consenting, he declared that he forebore to dwell upon the case of the Loyalists, as an assembly of human beings could scarcely trust their judgments when so powerful an attack was made upon their feelings. If they had hearts and nerves, they must necessarily overwhelm their understandings. He turned his eyes therefore from that subject, by a kind of natural impulse, as from a corpse or a grave: there was, however, he observed, a chance held out by America, of restoring some of those meritorious men to the very *natale solum* on which they had been born and bred. A very bad chance he feared, yet they ought to have the benefit of that chance such as it was. This a parliamentary declaration might frustrate. If that chance fails, said he, "tax me to the teeth, and I will cheerfully stint myself to contribute to their relief, or to make up any deficiency." He stated, that by a premature resolution in their favour, the whole burden without a chance of diminution might be thrown on this country, whereas it was but justice to this country also, to give all chances a fair and deliberate trial. He concluded the whole by saying, that he should vote against the fourth resolution, and for a previous question on the fifth.

Mr. Fox said, I rise now merely to answer some observations that have fallen in the course of this debate, in which I cannot but consider that the facts have been misconceived, and the arguments deduced from these facts totally misapplied, and unfairly stated. In what I have to say on these particulars, I mean not to trespass long upon the patience and attention of the House at this late hour of the debate. I should

Mr. Fox,

have spoken before, had I not wished to have heard the general opinion of Parliament on this question, before I presumed to give my sentiments upon this motion of my noble friend's [Lord John Cavendish.] But there have been some observations fallen, to which I can no longer delay answering, by giving what are my decided and unalterable opinions on the very important subject in our consideration.

The argument which has been used by some honourable gentlemen on the other side of the House against the fourth resolution moved by my noble friend, appears to me the most preposterous and chimerical that was ever offered. An honourable gentleman [Mr. Macdonald] has said, that the House coming to a vote of disapprobation on the Preliminaries and Provisional Treaty, will be construed by our enemies as an absolute intension of Parliament not to abide by the articles they contained. The honourable gentleman says that it will be tantamount to a declaration of recommencing the war. Is it then to be understood, that we are inimical to the peace, because on the most deliberate consideration of its articles, we are obliged to give our candid opinions, that it is not such a peace as we might reasonably have expected from the relative situations of Great Britain with France and Spain? I think there cannot be a greater assurance of our pacific intension than what is conveyed in the principles of this fourth resolution, as it is connected with that resolution wherein we have pledged ourselves to give every stability and permanency to the peace: for, notwithstanding the peace is, perhaps, the worst that could possibly have been framed for the real interests of this nation, yet we have resolved to preserve inviolate the public faith which has been pledged in this negotiation. If there is a possibility of giving an assurance of our inclinations for peace, it cannot be so well conveyed as in the letter and spirit of this resolution. In the moment that we find the peace so justly deserving of the general reprobation it has received, we pledge ourselves to see every iota of it fulfilled. In my opinion, the first resolution would not be so strongly expressive of our inclination to cultivate the friendship, confidence, and intercourse with our late enemies, were it not followed by expressing thus the sense we have of the peace being so inadequate to what our real and relative situation might have expected. Thus must France, Spain, and America, consider, that we are determined for peace, indeed, when we can so solemnly pledge ourselves to ratify and validate a negotiation wherein we find such

such a waste of our interests and possessions. So that every argument upon this principle is the most vague, delusive, and nugatory, that it is possible for human reason to conceive. It is an absurdity too enormous for common sense to countenance. But were this resolution not so immediately necessary for the establishing foreign confidence, it is absolutely indispensable for preserving internal consistency. Did we not in our vote of last Monday's debate imply, that we would give an opinion upon the Preliminaries and Provisional Treaty which had been laid before us? Why proceed to a consideration of these papers, if the consideration of them must pass without an opinion? It is mocking the general business of Parliament, to presume that we should meet for the purpose of enquiring into these papers, without giving our opinion as the result of the enquiry. It is beneath farce itself, to suppose, that we can abstract the idea of giving an opinion from having exercised our judgments. These papers have been the subject of a very serious and ample consideration. We have all formed an opinion. And, although I will not say, every person in this House has this one opinion, yet I believe the exceptions are very few, indeed, from those who are not convinced of this peace being the most inconsiderate, improvident, and inadequate, to the real and relative interests of the kingdom. If such be the general opinion, why should it not be declared? Have we not pledged ourselves to give those sentiments which have arisen from the most serious consideration? If gentlemen mean by their opposition to this resolution, that, from the papers we have seen, our opinions are imperfect, and therefore incompetent for passing any vote that may involve in it a censure on the noble Lord, [Lord Shelburne] why are not those papers laid before us which might alter our opinions? The papers have been asked for, and, in my opinion, improperly. Was not this my opinion, I should not hesitate to vote for every paper which contained the least matter of information on the subject. But when I consider how impossible it is for me to judge what papers might come before the public, I cannot but approve of their not being called for. Were I to call for these papers, I might ask for such as might prove very dangerous to the interests of the country. The Minister should produce such papers as he knew were not dangerous in being known; such as were proper to meet the public eye, and would tend to clear the characters concerned in this peace from the censure they must otherwise sustain; but if these papers are withheld, and there

are a sufficient number already on the table to afford just ground for this resolution, it can only be deferred with an intention of its being destroyed; so that I conceive this argument as only meant to impede the performance of that promise which we have given to the public. We cannot, if we would, dispense with this resolution, consistent with our own honour, and the duty we owe the people. Then why is it urged, that this resolution is merely brought forward as a contest for power? Is it a contest for power, that we appear desirous of performing our engagements with the nation? Can it be construed a contest for power in the noble Lord [Lord John Cavendish] who brings forward this resolution? Is my noble friend to be considered ambitious for power, who has always been known to avoid rather than to court official employment? Surely no! If he has a blemish to soil his eminent virtues, it is that of receding from those places where his ability and integrity might promote the interests of his country. I am certain there is not a gentleman in this House, who possesses the smallest degree of candour, can attribute such a base and pitiful meaning to the noble Lord. Was not the insinuation as perverse as it is contemptible, the character of my noble friend would have saved his resolution from such a paltry and disingenuous aspersions: but it is trifling with the time and attention of the House, to give this assertion a serious reply. All I shall say upon this part of the subject is, that the purpose for which it is hazarded can in no manner be successful. If it is meant to save the First Lord of the Treasury from the disrepute of his measures, there needs not this resolution to pass while the memory of the peace on your table remains in the minds of the people. Or if it supposes, that putting aside this resolution will be the means of preserving the present system, I trust that it is too generally known in this House, that this resolution is not necessary to destroy an administration which is already fallen. And here I must observe my regret for my friend Below [Sir Cecil Wray] having seen any thing in our conduct this evening to have excited in him sentiments and expressions that I trust his reflection will condemn. I lament the loss of his confidence, because he possesses my friendship; but I can only attribute it to a total misunderstanding of the principle of this resolution; otherwise I am confident he would never have thus sounded the alarm of independency, and have quitted that cable of friendship which I should have hoped would have never been parted: so that I will not condemn his behaviour, although I must lament the loss of his approbation.

tion. I am assured of the honesty of his intention, while I disapprove of the propriety of his conduct. What he has said, goes against the forming of any administration; and it shews, that he has not been much used to the making of ministers.

An honourable gentleman (Mr. Powys), on the other side of the House, thought proper to censure the coalition of parties in a former debate. Indeed, he has mentioned them again in the present; but, I trust, this censure is undeserved. Whatever coalition of parties there may be, it has arisen from the necessity of men united for the purpose of preserving the constitution of the country inviolate from the attack of an individual, who has had the temerity to act more from his own dictates, than from the principles of the constitution, or necessities of the country. If ever the situation of a country required a coalition of party that could preserve the vigour of the state from debility, it was that of the present. I trust there can be no requisition of argument to enforce this, while those Preliminaries, and that Provisional Treaty, lies upon your table. I am free to boast of being connected with a set of men, whose principles are the basis on which the state has for a long time past been supported from falling into absolute nihilism. It is to the virtues of these men that I have surrendered my private opinions and inclinations. It is thus only that I could prevent myself from falling into those errors which the prejudices, passions, and perplexities of human nature, will, at times, occasion. And, thus I have been always answerable to my country for my conduct; for in every public transaction I have thought it most safe to resign my private opinion, when I found it departing from the general opinion of those with whom I was connected by friendship, confidence, and veneration. Those whose virtues claimed my respect, and whose abilities my admiration, could not but prove the best directors of a conduct, which, alone, might fall by its temerity, or be lost by temptation.

And now I must beg leave to say a few words on what I feel of the most serious nature, as far as it relates to the complacency of my own feelings. The sentiments which have fallen from gentlemen, of whom I had flattered myself to have possessed their friendship and good opinion, has occasioned in me a retrospect of my past conduct. I have reviewed my behaviour with a severity of retrospect, that I should scarcely have endured, had it not been from a conviction that I really committed a fault which merited the most painful of all feelings—that of losing the support and
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approbation of men, whose virtues I reverence, and whose good opinions it is my greatest pride and happiest to cultivate. But, however painful this severity of retrospect may have proved, I find it amply compensated in the pleasure every honest mind feels, when it can bear testimony to the purity and consistency of its intentions. As no inquisition can be so formidable to sensibility as that which our own reflection holds on our actions, the result of my enquiry is attended with an encrease of satisfaction proportionate to the pain I felt for its necessity, and fear, lest I should find myself deserving of what I have this night so painfully experienced: I mean the forfeiture of friendship, support, and confidence, where I have always sought its enjoyment. It is only from such characters as have my esteem, that I have sought their support and connection. However, I find myself this evening deserted by those whom I thought never to have given a pretence for losing their estimation; and the regret I experience on the occasion would be insupportable indeed, were it not from being conscious of its being undeserved. And this conviction is in a great measure confirmed by what I have seen since I receded from that Administration, in which there was no principle of stability and connection to support it, with honour to itself and welfare to the people. That we were justified in our receding from such an Administration, has been daily evinced by those who since followed our example. Have not those, who were deluded by pretence, not confirmed by principle to take a share with a man whom they now see the absolute necessity of deserting, confirmed the necessity of our conduct? It can be no small satisfaction to me to see those follow my conduct, whom, indeed, I could rather have chosen to follow. Can there be a greater demonstration of the propriety and principle of our conduct, than seeing others receding one by one from a connection which has betrayed every principle on which their confidence was founded?

But while I produce these as indisputable arguments in favour of the propriety of our resignation, and opposing the measures which have been since pursued to the disgrace and injury of the country, I shall not disavow my having an ambition to hold such a situation in office, as may enable me to promote the interest of my country. I will confess, that I am desirous of enjoying an eminence which must flatter my ambition, promote my convenience, and enable me to exert myself in my country's service; and in confessing this desire, I trust that it cannot be termed presumption. I flatter myself

self that I am not inadequate to the importance of such a situation; nor do I think that I gave, during the short time I held my respectable place in administration, any reason that I should not offer myself a candidate for a share in that new arrangement which the late neglectful, not to give a worse epithet, conduct of the First Lord of the Treasury has rendered indispensable. But this is a subject which I think more prudent to wave, than to enforce with either adducing arguments, or referring to instances.

I shall now take an opportunity of observing some particulars, in answer to what has fallen from an honourable member (Mr. Keith Stewart) relative to the state of our navy not being such as to countenance the continuance of the war. He says, that the accounts of the relative state of our navy are untrue; it neither was, nor is in that condition in which it has been represented. But this assertion does not go so far against our disapprobation as some other arguments that were made in this and the Upper House in last Monday's debate. It was then positively asserted, that the real state of our navy was represented far superior to its actual condition; that it was by no means adequate to the services to which it was allotted in its several destinations; that some ships were foul, others rotten, and others not stored. But these are instances that can be adduced in every fleet; they are as equally applicable to our enemies as to ourselves. But the candid and fair statement of the subject would be this. Can it be proved, that our navy was inadequate to any service on which it was dispatched? Has there been any one offensive or defensive measure declined in consequence of our navy being incompetent to the duty? If this can be proved, then I shall most cheerfully consent to lose this resolution. I will even join those who are now so forward in the praises of a peace, which, to every man of common sense, is the most disgraceful and disadvantageous of any this country can produce. I will even join them in their loudest praises. There is nothing their enthusiasm can suggest in its favour, but I will most readily subscribe. But while I am confident that no such proof can be brought, I must contend for the necessity and propriety of this resolution.

And now permit me to mention, that this assertion is not only destitute of evidence and veracity, but even of common gratitude and candour. It has originated from those who are known to be under the greatest obligations to that noble

noble and honourable character they are thus endeavouring to depreciate. But not to say any thing farther on this disagreeable part of the subject; has it the least support from the comparison of facts and circumstances? Would the noble Lord (Lord Keppel) have been so ready to resign his place because he disapproved of the peace, had he been sensible of our naval inability for war? Is he to be considered so much an advocate for war, that he would absolutely risque his own character to imputation, if not merited disgrace and dishonour? Surely nothing can demonstrate the falsity and malice of this assertion so incontrovertibly, as the First Lord of the Admiralty having resigned his employment. Had he not been confident of the condition of the fleet being adequate to every relative service of war, he would have been sensible of the impropriety of opposing a peace. He must have seen the folly and danger of such a conduct, from the knowledge of the destruction it might bring on the country, and the disgrace it would, consequently, bring upon himself. But, however, not to adduce any more arguments to controvert an assertion that has no other foundation than error, malice, and ingratitude, I shall proceed to state some facts which prove the state of our navy being in a condition sufficiently powerful for any relative operation in war. It will prove that the First Lord of the Admiralty, I mean my noble friend, had just reason for his confidence in its competency. Whatever information the honourable member (Mr. Keith Stewart) may have received respecting the superior state of our enemies power, I will pledge myself to produce authentic and indisputable evidence, that in the course of last year our navy increased seventeen in its number, while that of France had suffered a diminution of thirteen. Admiral Pigot would have had by this time fifty-four sail of the line in the West Indies. This would have been such a force for every defensive and offensive purpose, that the situation of those seas might have required or permitted. We might then have been perfectly at ease with regard to the safety of those possessions, especially when the state of the Spanish navy was considered, and that we had also remaining at home thirty-four ships of the line. If such is the situation of our navy, as I pledge myself to prove, can there be a pretence for vindicating the necessity of those enormous cessions which lie before us on the table?

I might, on this occasion, repeat the arguments which have been already produced to shew the little attention
which

which has been paid to the interest and feelings of the country in this negociation. But this would be only engaging the attention of the House to what they must have already formed an opinion on, in consequence of the able arguments that have been offered upon the consideration of the Preliminaries and Provisional Treaty. However, I must observe that, in this negociation, our enemies have exacted our possessions, without paying that tenderness to our feelings which they have always affected to pay in similar negociations. There does not appear in this negociation the least circumstance to flatter our sacrifice of honour as well as possession. The papers before us bear too evident signs of the disregard and negligence with which they have been settled. But while they contain every mark of humility, ignominy, and disadvantage to this country, they evidently shew the triumph and superiority of our enemies. For on the *prima facie*, we find every advantage given to our enemies, and not one solid and real advantage retained or restored to ourselves. We have granted to the Americans the privilege of fishing on the only part of Newfoundland, which is left us by our cession to France. It is true they are excluded from the privilege of drying their fish on our territories; but this is merely a negative advantage; it includes no positive interest: for since France has a privilege of part of this island, it will be very easy for America to fish with us, and dry them, by permission, on French territories. Thus it is evident, that our fishery, so much boasted, in Newfoundland is, in a manner annihilated; not to mention the impolicy of ceding St. Pierre and Miquelon, all the possessions that we have reserved, is only such as tend to create jealousies which may be pretences for war at a future period. But to take a general view of this peace, we find it contain a sacrifice of our chief possessions in America, Africa, and Asia. By the boundaries which have been so carelessly prescribed, we have excluded ourselves from the Mississippi; so that we only retain the name, without being able to enjoy its possession. We have lost West Florida, and ceded the East to compleat our loss of American territory. And, in this last cession, in a treaty for peace, we have given Spain the greatest temptation for war. We have resigned to them those advantages which were always their annoyance and terror. In this part as well as in every other part of this negociation, that first principle of treaty has been totally disregarded. — The retention of places whose re-

lative power is to check the operations of war, is the best security for the preservation of peace. In the West-Indies we have restored the Island of St. Lucia, besides ceding and guaranteeing the Island of Tobago; but as a compensation for this latter cession, we have the Islands of Névis and Montserrat; therefore what has been restored to us by France in the West-Indies, cannot at all be considered as a compensation for St. Lucia. We may be said to have only for this invaluable island to the French, Grenada, the Grenadines, St. Vincent, and Dominica. And for all our acknowledgments, cessions, and restorations in America, we are only possessed of the Bahama's. In Africa we have ceded and guaranteed to France the river Senegal and all its dependencies, with the forts of St. Louis, Podor, Galam, Arguin, and Portendre; and to compleat this African cession, we have engaged to restore the Island of Goree. And in return for all the forts, the River Senegal with dependencies, and Goree, France has only guaranteed to us Fort James and the River Gambia. The dependencies of the River Gambia are to be understood as included in this guarantee, where we have been too careless to have them specified in the same manner as in our cession to France. In Asia we are engaged to restore France all the establishments which belonged to them, at the commencement of the war, on the coast of Orixá and in Bengal. Besides granting them the liberty of surrounding Chander-nagore, with a ditch for draining the waters. We are likewise engaged to take such possible measures as shall secure to the subjects of France, in that part of India, and on the coast of Orixá, Coromandel, and Malabar, a safe, free, and independent trade. In the next article, we restore Pondicherry and Karical. We likewise procure as a dependency to this restoration the two districts of Valanour, Bahour, and the four Mogans. France also enters again into the possession of Mahe and the Comptoir at Surat. In Asia, all this we grant without the least cession received from France; and, notwithstanding, all this profusion of liberality is incompetent to preserve the peace from suspension and interruption. By the sixteenth article we are exposed to the continuance of the war as much as if we had not restored an inch of right, privilege, or possession in those parts to France. In Europe we have consented to the abrogation and suppression of all the articles relative to Dunkirk, from the treaty of Utrecht, in 1713, to this

this period inclusively. This has been entered upon without the least pretence or appearance of equivalent. From this real state of the negotiation, can we have a possibility of withholding our assent to this resolution? Are not all these American, African, Asian, and European cessions, sufficient evidence that the peace is not so favourable to the interests of the kingdom, as our relative state and strength required? We may represent our own debility, to prove the necessity of a peace. But, in our approbation of this peace, it must be demonstrated, that from our *relative* debility a better peace we could neither expect nor obtain. If our finances were straitened, it remains to be proved, that the finances of our enemies were not equally exhausted. Know we not that France never supported a war with more difficulty; that Spain was nearly in a state of national bankruptcy; and that America was in a state of national poverty? But this last I adduce not as an instance of the policy of the American war. I am convinced that, although she was without resource, yet her unanimity, her enthusiasm in the cause of her independence, would be sufficient to repel the united forces of all Europe.

It was from this opinion, that I have always reprobated a war that was as ridiculous in its object as it was unjust in its principle. However, this is by no means a palliative for this enormous cession for which this peace has been obtained. For, although it might be impossible to have conquered America, yet her being destitute of resource gave us a great advantage, when considered relatively, as she was in alliance with France and Spain. From this knowledge, we might have seen the policy and power of withdrawing our troops from America, had the war necessarily continued. We might have directed them against France and Spain as an accession of strength, without fearing its being counter-balanced by any assistance they could derive from America. Without resource for her own exigencies, she could have no power of granting subsidies to them. All the assistance which she might have lent to them could be only a few troops, that, in fact, could prove of no great advantage, while we had the policy to confine ourselves to the object of a naval war. It is therefore, most clearly apparent, that we had every right to expect a more advantageous peace than what is before our consideration. And, here, I shall take notice of an argument offered by an honourable gentleman (Mr. Powys) to prove that this peace is, notwithstanding

ing every evidence to the contrary that has been produced, deserving of our approbation. Nay, that it has even received virtually, if not positively, our applause; for the honourable gentleman says, that in our second resolution, we have pledged our endeavours to cultivate the *blessings* of that peace, which we mean, by this fourth resolution, to censure and condemn. Surely, says he, " This peace must have received our approbation, when we have acknowledged that it has blessings, which we are pledged to cultivate; and that it is, likewise, self-evident, that a peace must deserve our approbation, to which the word *blessing* can, with any propriety, be annexed." I wish the honourable gentleman had annexed the word *blessings* to *this* peace with the least propriety. But he will pardon me in saying that he misrepresents the words and meaning of this second resolution. The word *blessings* is connected with the general idea and meaning of a peace. My noble friend (Lord John Cavendish) could never have so much mistaken this peace, as to have annexed *blessings* as its consequence. Let the honourable gentleman attend to the words of the resolution, and he will find his position has been very unfairly stated and erroneously conceived. He will find the words are, " the blessings of peace," and not of *this* peace. But in regard to the real intention of thus pledging ourselves to cultivate the blessings of peace, it is only a necessary assurance of our wishes and endeavours to render it reciprocally advantageous, by which means its permanency can only be preserved. It is a pledge that we mean to enter upon the consideration of our commercial system, in order to make such regulations as the alteration of our empire, and the creation of the States, may require: for it is only by such a resolution that we can palliate the neglect of administration, in having made this peace, without having to produce the east sign, intention, or appearance, of a commercial plan adapted to the altered interests of the empire. It is thus that we can only assure France, Spain, and America, of our sincerity to keep inviolate the public faith, which is pledged in the Preliminaries and Provisional Treaty. And here I cannot avoid observing the attempt to impose this peace upon our credulity and judgment, as being negotiated on the principle of the *uti possidetis* . Had this really been the principle of its negotiation, France would neither have been in possession of the Newfoundland fishery, nor would she have had a foot of East Indian territory. But, indeed, the absurdity of

of such a pretence is evident, from the situation of the country being represented as being totally different from what is the foundation of the *uti possidetis*. And here I must state the two principles which direct every negotiation. The one is the *uti possidetis* — the other, reciprocal and general restitution. Reciprocal and general restitution directs and governs a negotiation for peace, when the belligerent powers have equal desire and reason for concluding the war. It is then they find it their interest to reinstate each other reciprocally in the possessions they have lost. The *uti possidetis* is the principle of negotiation when either of the belligerent powers are the conquerors. It is then the vanquished are obliged to submit to the loss of their possessions. As they have not power, they assume not the pretence of demanding restitution. They are, therefore, content to purchase peace with the loss of what their enemy has taken, because they know their imbecility to support war. But in the present negotiation we have all the dishonour of the *uti possidetis* were it against us, and all the disadvantage of partial, not reciprocal restitution. To consider the peace in a relative point of view, we shall find that France retains what she has taken from us, and receives a general restitution of all we have taken from her. Never was a peace so negligently, disgracefully, and injuriously concluded for this nation. Surely nothing can account for it so clearly as a retrospect on the Minister's conduct and consequence with whom our enemies were to negotiate. It is evident our enemies were sensible of his not having that support and confidence which was necessary to invigorate the arm of war against them. They were sensible, that he was conscious of his own tottering power, and, therefore, they with their usual sagacity and penetration, perceived it was the happy moment for their demands and our concessions. It is thus that we learn the foreign character and estimation of the Minister. The Preliminaries and Provisional Treaty is a foreign lesson to teach us domestic caution and information.

It has been urged as a mark of our weakness, that the general system of the war has been more of a defensive than offensive nature. Happy am I to find we have not waged a general offensive war, according to the system on which the war was conducted. The view of the peace before me is sufficient reason for my approving the policy and necessity of our war being generally defensive: for had we waged offensive war with success against forts, garrisons, and islands, we should

should only have had the more to have returned at the negotiation for peace. Could we have confined our operations against ships instead of forts, garrisons, districts, and islands, then we should have retained whatever we might have had the good fortune to have taken. These would have been real and permanent acquisitions. They would not have lain within the Minister's power of restoring. Since I see such a general cession and restoration of what had cost the country so much blood and treasure to retain and possess, I cannot but lament the offensive war we have waged. Had we taken less, less had there been to have restored. So that at least we should have saved much disgrace in proportion as the articles would have contained a less appearance of cession and restoration. Who that views the Preliminaries and Provisional Treaty will not blush for the ignominy of the national character it will hand down to posterity? Who could have supposed, that such a treaty would have been concluded in 1783, as the consequence of our successes in the year 1782?

And now I would beg leave to say a few words in answer to what has fallen from an honourable Baronet, [Sir Edward Astley] respecting two pensions that were granted by the late First Lord of the Treasury: I mean the Marquis of Rockingham. Happy am I that such an opportunity is given me of vindicating his memory from any aspersion which might otherwise adhere to his reputation. The honourable Baronet has been pleased to say, that we had not enquired into those shameful and extravagant unmerited pensions which were granted by the administration we succeeded, because we had committed the same lavishment of the public money ourselves. As far as the pensions to which he alludes relate to my conduct, I have only to answer, they were granted without my approbation; for I am free to confess, that I did not altogether approve of the necessity or the principle of these pensions: but although they might not have entirely my consent, yet the accusation comes rather improperly, as a reflection against our conduct. The pensions were not granted to those who merited our regard from either attachment, principle, or service in our interest. We granted them to the friends and adherents of those who were known to profess sentiments totally distinct from what we had adopted. But humanity and liberality were the characteristic features of the Marquis's disposition. He was of a temper too disinterested to reward his own adherents with such pecuniary

gratities. It was his principle, to retain the attachment of his friends, not by mercenary benefits, but by his conduct commanding their affection : and merit and necessity, even in those who were inimical to himself and connections, had always a claim to his assistance. It was by this irresistible conduct that he conciliated his enemies and retained his friends. It was not his object in possessing power, to enrich mercenary dependents at the expence of the public. He took power, not for plundering, but preserving and promoting the properties and privileges of the people. So that the honourable Baronet has with great impropriety adverted to these pensions, as an instance of corruption in one of the most able and virtuous ministers that ever did or ever will direct a state.

It has been mentioned as an argument against the present resolution, that the decision to which we came last Tuesday morning, has been the cause of the Ambassadors now in town delaying the conclusion of the treaty. It is said, that they have expressed a shyness to conclude what remains to perfect the negotiation, alledging, that they perceive from the determination of the House, their disinclination to fulfil the articles ; and that we have only entered upon this negotiation, as merely a cessation of hostilities. But, instead of thus uncandidly stating such a position, would it not have been more consistent with the truth, to have attributed this conduct to their diffidence in the administration, possessing long enough the power of completing the negotiation. Is it not more wise and prudent in them, to suspend their commissions for treaty until they see an administration so firmly established, as may give a due and proper validity to the negotiation ? It would be very hasty and premature conduct in them, to express any eagerness at this moment of vicissitude, to finish the ratification.

An honourable gentleman [Mr. Powys] took occasion in a former debate to censure a coalition of parties. How far this censure was proper, the necessities of a coalition of every party that would join to destroy that party which has been so destructive to the country will discover. But were there not this necessity for coalition, I cannot see the propriety of censuring our accepting of the support, and according with the sentiments of the noble Lord, [Lord North.] It is true, there was a period in which I have treated the conduct of his Lordship with that disapprobation which I should again use on the same occasion : but the cause of this disapprobation is

is now removed. The Americans are now independent. We have no longer a pretence nor inclination for continuing the war which I felt the necessity of reprobating. The cause of disunion no longer subsists; and the situation of our country calls loudly for the strongest coalition, which may restate the people in their rights, privileges, and possessions. We have a Minister, who is in his nature, habitudes, and principles, an enemy to the privilege of the people. And as I am convinced, that no system can exist which is not supported by a fair, consistent, and established unanimity, I am happy to join with any party which I think has the abilities and intentions of promoting the general welfare by a permanent union. This administration has been destroyed through want of confidence. It is, therefore, the greatest absurdity to think of preserving the station of a man who is unsupported by every friend and advocate for the constitution. I believe there is scarcely an individual in this House would give his unbiassed and uncontrouled support to the present Premier. Is there any one who could think of supporting a man who has in every possible manner trifled away the general, absolute, and relative interests of the country? Has he not, as we have too evidently seen, made concessions in every part of the globe without the least pretence of equivalent? Then let not this coalition be considered as being influenced by the *res augustæ domi*. This idea can never govern men of integrity. Nor let it be said, that such a combination against a Minister is unconstitutional. For while it is acknowledged, that the King by his prerogative possesses the right of ministerial appointment, yet let it be remembered, that the people can by their privilege annul that appointment. It is only thus, that we can derive the means of restoring the abused confidence of the people. It is only coalition that can repair the shattered system of administration to its proper tone of vigorous exertion. By this means we shall regain the lost confidence of the people: and it is only the confidence of the people, that gives effect to the springs of government. I flatter myself there is now a prospect of reviving and establishing the system of which I have so long been proud of considering myself, and being considered, a member. There is now, I trust, a certainty of the present nugatory and shattered system being repaired, and rendered sufficiently strong to bear the interests of the people. Now the sense of the nation is awake to conviction. They will no longer lend their assent to the destruction of their own welfare.

welfare. The obnoxious part of administration must recede from the countenance of his Sovereign. He has neither the sanction of people or Parliament, or, indeed, his wonted colleagues. So, that from these considerations, I have the greatest assurances of seeing the interests of the nation once more placed on the basis of that system which can only save it from destruction.

It is only from the coalition of parties, for the honest purpose of opposing measures so destructive to the interests of the country, that the spirit of constitutional power can ever be restored to its former vigour and integrity of exertion. It becomes men to forget private resentments, when the cause of the nation calls so immediately for public unanimity. Besides, is it not an indication of our principles having been directed for this one end, the general good, although we have pursued different means for its acquisition? And as the cause of our country may have occasioned that personal asperity, which seemed to have occasioned a mutual enmity, that implied an impossibility of its ever being destroyed; so it may be perceived that the cause of our country can with the greatest facility turn that enmity into confidence and friendship. From this view of the subject, it may very well appear what the situation of our country must be, which is sufficient to unite men of such different descriptions as myself and the noble Lord. By this I mean not the least reflection on the principles of his Lordship, but rather the sentiments that so long occasioned that war, which his Lordship must own has ended so unhappily. But this is past, and I trust the cause, principle, and consequence of our coalescence will be seen in the salvation of our country.

Mr. Chancellor Pitt said, that revering the great abilities of the honourable gentleman who spoke last, he lamented in common with the House, when those abilities were misemployed to inflame the imagination, and mislead the judgment. He was told, that he did not envy him the triumph of his situation on that day: a sort of language which became the candour of that honourable gentleman as ill as his present principles. The triumphs of party, with which the gentleman seemed so highly elate, should never seduce him to any inconsistency which the busiest suspicion should presume to glance at. He would never engage in political enmities without a public cause: he would never forego such enmities without the public approbation; nor would he be questioned and cast off in the face of that House, by one virtuous and

Mr. Chancellor Pitt.

dissatisfied friend. These, the sober and durable triumphs of reason, over the weak and profligate inconsistencies of party violence; these, the steady triumphs of virtue over success itself, should not only be his, in his present situation, but through every future condition of his life: triumphs which no length of time should diminish; which no change of principles should ever fully.

The fatal consequence of Tuesday's vote, which he then deprecated and foretold, was already manifest in this House, and it had been thought on all sides requisite, to give a new stability to the peace, which that vote had already shaken. But the proof which the present motion was about to establish, that we are determined to abide by this peace, was a declaration, that we had examined the terms, and had found them inadequate. Still less consistent was this extraordinary motion with the language of Tuesday. It was then urged, that no sufficient time had been allowed them to determine on the articles before them; and in the short space of two days they were ready to pass a vote of censure on what they declared they had not had leisure to discuss. This was the first monstrous production of that strange alliance, which threatened once more to plunge this devoted country into all the horrors of another war.

It was not an exception to any single article, if well-founded exceptions should really exist, that ought to determine the merits of this treaty. Private interests had their respective advocates, and subjects might be easily found for partial complaints: but private interests must bend to the public safety — what these complaints may prove, was indeed yet unknown; for whilst the honourable gentleman alone was describing, with so much confidence, the distresses and dissatisfactions of trade, she herself was approaching the Throne, with the effusions of gratitude and affection. The honourable gentleman had fairly stated the terms by which the merits of this peace were to be decided — the relative strength and resources of the respective powers at war. — He would immediately meet him on this issue.

He then went into a most elaborate detail of the state of our navy, denying that the authority of the late First Lord of the Admiralty, great as it was, and as it confessedly ought to be, was that which he would submit to as the criterion of the cause in issue. He said, that high authority had acted in a manner which the House ought to know. When called upon to state the French navy, with a view to negotiation

tiation for peace, it had so happened, that he had generally magnified their number of ships and their strength; when desired to give the state of their marine, in order to guide and direct others in their plans of war, he had then considered their navy in another light, and reduced their number considerably. After this Mr. Pitt went into a description of the disposition of the marine of the House of Bourbon: he said, they had sixty sail of the line in the bay of Cadiz, and several at Brest, and from their known intentions, previous to the peace, it was not to be doubted, that they would prove superior in maritime strength to us in the West-Indies, superior in the East-Indies, and, allowing for the ships the Dutch could send out, superior to us at home.

What were the feelings of every one who heard him? (what were his own feelings it was impossible to describe) when that great man, Lord Howe, set sail with our only fleet; inferior to the enemy, and under a probability of an engagement on their own coasts? His apprehensions on that occasion, however great, were mixed with hope; he knew the superiority of British skill and courage might outweigh the inequality of numbers. But, in another quarter, and at the same instant of time, his apprehensions were unmixed with a ray of comfort. The Baltic fleet, almost as valuable as Gibraltar itself, for it contained all the materials for future war, was on its way to England; and twelve sail of the line had been sent out from the ports of Holland to intercept them. Gibraltar was relieved by a skill and courage that baffled superior numbers; and the Baltic fleet was miraculously preserved. One power, indeed, the honourable gentleman has omitted in his detail: — but the Dutch had not been disarmed by the humiliating language of that gentleman's ministry. They were warmed into more active exertions, and were just beginning to feel their own strength. They were not only about to defend themselves with effect, but to lead ten sail of the line to the fleets of France and Spain.

Should the Ministers have persevered from day to day, to throw the desperate die, whose successes had won us only a barren, though glorious safety, and whose failure in a single cast would sink us into hopeless ruin? However fondly the ideas of national expectation had diffused themselves amongst the people, the Ministers could entertain no rational hopes. Those columns of our strength, which many honourable gentlemen had raised with so much fancy, and decorated with

so much invention, the Ministers had surveyed with the eye of sober reason.

He would next, with submission to the right honourable gentleman who presides in that department, state, in a few words, the situation of the army. It was notorious to every gentleman, that new levies could scarcely be torn, on any terms, from this depopulated country. It was known to professional men, how great was the difference between the nominal and effective state of that service; and, astonishing as it may appear, after a careful enquiry, three thousand men were the utmost force that could have been safely sent from this country on any offensive duty. But he was told, the troops from New-York would have supplied us with a force equal to the demands of every intended expedition. The foreign troops in that garrison we had no power to embark on any other than American service; and, in contradiction to the honourable gentleman who spoke last, no transports had been prepared, or could have been assembled, as he had heard, for their immediate embarkation. Where should they have directed their course when they were at length embarked, but into the hazard of an enemy's fleet, which would have cruized with undisputed superiority in every part of the western world.

No pressure of public accusation, nor heat of innocence in its own defence, should ever tempt him to disclose a single circumstance, which might tend to humiliate his country. What he was about to say, would betray no secret of state; it was known, for it was felt throughout the nation. There remained at that instant, exclusive of the annual services, an unfunded debt of thirty millions. Taxes, the most flattering, had again and again been tried, and, instead of revenue from themselves, had frequently produced a failure in others, with which they had been found to sympathize. But here he was told by the honourable gentleman, other nations would have felt an equal distress; good God! to what a consequence did the honourable gentleman lead them! — Should he have dared to advise a continuance of war, which endangered the bankruptcy of public faith; a bankruptcy which would have almost dissolved the bonds of government, and have involved the State in the confusion of a general ruin? Should he have ventured to do this, because one of the adverse powers might have experienced an equal distress?

The honourable gentleman had amused the House with various statements on the different principles of *uti possidetis* and

and restitution. The principle of those statements was not founded. Did his great naval friend acquaint him with the respective values of Dominique and St. Lucia? — that Lord, who in his Majesty's councils had advised, and perhaps wisely, a preference of the former. The value of Dominique was better known to our enemies; and the immense sums employed by them in fortifying that island, proved as well its present value as their desire to retain it. That honourable gentleman has, on all occasions, spoke with approbation of the last peace: was St. Lucia left in our hands by that peace, the terms of which we ourselves prescribed? or was St. Lucia really so impregnable as to endanger all our possessions at the commencement of the present war.

It would be needless for him to remind the honourable gentleman of any declarations he had made in a preceding session; professions so antiquated and obsolete would have but little weight in this House: but he would venture to require consistency for a single week, and should remind him of his declaration in Monday's debate, "that even this peace was preferable to a continuance of the war." Would he then criminate his Majesty's Minister's by the present motion, for preferring what he would have preferred? or how would he prove, that if better terms could have been obtained, it was less their interest than their duty to have obtained them.

Was this peace concluded with the same indecent levity, that the honourable gentleman would proceed to its condemnation? Many days and nights were laboriously employed by his Majesty's Ministers in such extensive negotiations; consultations were held with persons the best informed on the respective subjects; many doubts were well weighed and removed; and weeks and months of solemn discussion gave birth to that peace, which they were required to destroy without examination: that peace, the positive ultimatum from France, and to which he solemnly assured the public, there was no other alternative but a continuance of war.

Could the Ministers, thus surrounded with scenes of ruin, affect to dictate the terms of peace? And were these articles seriously compared with the peace of Paris? There was, indeed, a time when Great Britain might have met her enemies on other conditions; and if an imagination, warmed with the power and glory of this country, could have diverted any member of his Majesty's councils from a painful inspection of the truth, he might, he hoped, without presumption,

tion, have been entitled to that indulgence. He felt, at that instant, how much he had been animated in his childhood by a recital of England's victories. He was taught by one, whose memory he should ever revere, that at the close of a war, far different indeed from this, she had dictated the terms of peace to submissive nations. This, in which he placed something more than a common interest, was the memorable æra of England's glory. But that æra was past; she was under the awful and mortifying necessity of employing a language that corresponded with her new condition. The visions of her power and pre-eminence were passed away.

They had acknowledged American independence — That was a needless form; the incapacity of the noble Lord who conducted our affairs; the events of war, and even a vote of this House, had already granted what it was impossible to withhold.

They had ceded Florida — They had obtained Providence and the Bahama islands.

They had ceded an extent of fishery on the coast of Newfoundland — They had established an exclusive right to the most valuable banks.

They had restored St. Lucia, and given up Tobago — They had regained Grenada, Dominica, St. Kitt's, Nevis, and Montserrat, and rescued Jamaica from her impending danger. In Africa they had ceded Goree, the grave of our countrymen; and we possess Senegambia, the best and most healthy settlement.

In Europe they had relinquished Minorca, kept up at an immense and useless expence in peace, and never tenable in war.

They likewise permitted his most Christian Majesty to repair his harbour of Dunkirk — The humiliating clause for its destruction was inserted after other wars than the past: but the immense expence attending its repair would render this indulgence useless; add to this, that Dunkirk was first an object of our jealousy, when ships were constructed far inferior to their present draught. That harbour, at the commencement of the war, admitted ships of a single deck; no art or expence would enable it to receive a fleet of the line.

In the East Indies, where alone we had a power to obtain this peace, they had restored what was useless to ourselves, and scarcely tenable in a continuance of the war —

But they had abandoned the unhappy Loyalists to their implacable enemies — Little were those unhappy men befriended

friended by such a language in this House ; nor should they give much assistance to their cause, or add stability to the reciprocal confidence of the two states, if they already imputed to Congress a violence and injustice, which decency forbids us to suspect. Would a continuation of the war have been justified, on the single principle of assisting these unfortunate men ? Or would a continuance of the war, if so justified, have procured them a more certain indemnity ? Their hopes must have been rendered desperate indeed, by any additional distresses of Britain ; those hopes which are now revived by the timely aid of peace and reconciliation.

These were the ruinous conditions to which this country, engaged with four powerful states, and exhausted in all its resources, thought fit to subscribe, for the dissolution of that alliance, and the immediate enjoyment of peace. Let us examine, says he, what is left with a manly and determined courage. Let us strengthen ourselves against inveterate enemies, and reconcile our ancient friends. The misfortunes of individuals and of kingdoms, that are laid open and examined with true wisdom, are more than half redressed — and to this great object should be directed all the virtue and abilities of this House. Let us feel our calamities ; let us bear them too like men.

But he feared he had too long engaged their attention to no real purpose ; and that the public safety was that day risked, without a blush, by the malice and disappointment of faction. The honourable gentleman had declared, in fact, “ that, because he was prevented from prosecuting the noble Lord in the blue ribbon to the satisfaction of public justice, he would heartily embrace him as his friend.”

So readily did he reconcile extremes, and love the man whom he wished to persecute ; with the same spirit he supposed he would cherish this peace too, because he abhorred it. But I will not hesitate to surmise, says he, from the obvious complexion of this night's debate, that it originates rather in an inclination to force the Earl of Shelburne from the Treasury, than in any real conviction that Ministers deserve censure for the concessions they have made : concessions, which from the facts I have enumerated, and the reasoning I have stated, as arising from these facts, are the obvious result of an absolute necessity, and imputable not so much to those of whom the present cabinet was composed, as to that cabinet of which the noble Lord in the blue ribbon was a member. This noble Earl, like every other person eminent for ability, and acting
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in the first department of a great state, is undoubtedly an object of envy to some, as well as of admiration to others. The obloquy to which his capacity and situation have raised him has been created and circulated with equal meanness and address : but his merits are as much above my panegyric, as the arts, to which he owes his defamation, are beneath my attention. When stripped of his power and emoluments he once more descends to life without the invidious appendages of place, men will see him through a different medium, and perceive in him qualities which richly entitle him to their esteem. That official superiority which at present irritates their feelings, and that capacity of conferring good offices on those he prefers, which all men are fond of possessing, will not then be any obstacle to their making an impartial estimate of his character. But notwithstanding a sincere predilection for this nobleman, whom I am bound by every tie to treat with sentiments of deference and regard, I am far from wishing him retained in power against the public approbation ; and if his removal can be innocently effected, if he can be compelled to resign without entailing all those mischiefs which seem to be involved in the resolution now moved, great as his zeal for his country is, powerful as his abilities are, and earnest and assiduous as his endeavours have been to rescue the British empire from the difficulties that oppress her, I am persuaded he will retire, firm in the dignity of his own mind, conscious of his having contributed to the public advantage, and, if not attended by the fulsome plaudits of a mob, possessed of that substantial and permanent satisfaction which arises from the habitual approbation of an upright mind. I know him well ; and dismiss him from the confidence of his Sovereign, and the business of state, when you please, to this transcendent consolation he has a title, which no accident can invalidate or affect. It is the glorious reward of doing well, of acting an honest and honourable part. By the difficulties he encountered on his accepting the reins of government, by the reduced situation in which he found the state of the nation, and by the perpetual turbulence of those who thought his elevation effected at their own expence, he has certainly earned it dearly : and with such a solid understanding, and so much goodness of heart as stamp his character, he is in no danger of losing it. Nothing can be a stronger proof that his enemies are eager to traduce, than the frivolous grounds on which they affect to accuse him. An action which reflects a lustre on his attention to
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the claims of merit, has yet been improved into a fault in his conduct. A right honourable gentleman, who has exhausted his strength in the service of the state, and to whose years and infirmities his absence from Parliament can only be attributed, owes to the friendship and interference of the noble Earl a pension, which however adequate to all his necessities and convenience in the evening of life, is no extraordinary compensation for the public spirit which has uniformly marked his parliamentary conduct. Surely the abilities and virtues of this veteran soldier and respectable senator, deserved some acknowledgment from that community in which they have been so often and so manfully exerted. Surely his age entitled him to a little repose in the lap of that public to whose welfare his youth had been dedicated. Surely, that principle of humanity which stimulates those in power to commiserate in this manner the situation of neglected merit, possesses a nobleness, a generosity, a benevolence, which, instead of incurring the censure of any, ought to command the admiration and praise of all.

My own share in the censure pointed by the motion before the House against his Majesty's Ministers I will bear with fortitude, because my own heart tells me, I have not acted wrong. To this monitor, who never did, and, I trust, never will, deceive me, I will confidently repair, as to an adequate asylum from all the clamour which interested faction can raise. I was not very eager to come in, and shall have no great reluctance to go out, whenever the public are disposed to dismiss me from their service. It has been the great object of my short official existence, to do the duties of my station with all the ability and address in my power, and with a fidelity and honour which should bear me up, and give me confidence under every possible contingency or disappointment. I can say with sincerity, I never had a wish which did not terminate in the dearest interests of the nation. I will at the same time imitate the honourable gentleman's candour, and confess, that I too have my ambition. High situation and great influence are desirable objects to most men, and objects which I am not ashamed to pursue, which I am even solicitous to possess, whenever they can be acquired with honour and retained with dignity. On these respectable conditions, I am not less ambitious to be great and powerful than it is natural for a young man with such brilliant examples before him to be. But even these objects I am not beneath relinquishing, the moment my duty

to my country, my character, my friends, renders such a sacrifice indispensable. Then I hope to retire, not disappointed, but triumphant, triumphant in the conviction, that my talents, humble as they are, have been earnestly, zealously, and strenuously, employed to the best of my apprehension in promoting the truest welfare of my country; and that, however I may stand chargeable with weakness of understanding, or error of judgment, nothing can be imputed to my official capacity, which bears the most distant connection with an interested, a corrupt, or a dishonest intention. Nor is it any part of my plan, whatever time I may quit my present station, to follow the noble Earl now at the head of his Majesty's councils to such fortress as the honourable gentleman promised to rear for his followers some time ago, as a safe retreat for those of his friends who should find themselves duped as he had been. The self-created and self-appointed successors to the present administration have asserted with much confidence, that this is likely to be the case. I can assure them, however, when they come from that side of the House to this, I will for one most readily and cordially accept the exchange. The only desire I would indulge and cherish on the subject is, that the service of the public may be ably, disinterestedly, and faithfully performed. To those who feel for their country as I wish to do, and will strive to do, it matters little who are out or in; but it matters much that her affairs be conducted with wisdom, with firmness, with dignity, and with credit. Those entrusted to my care I will resign, let me hope, into hands much better qualified to do them justice than mine. But I will not mimic the parade of the honourable gentleman in avowing an indiscriminate opposition to whoever may be appointed to succeed. I will march out with no warlike, no hostile, no menacing protestations; but hoping the new Administration will have no other object in view than the real and substantial welfare of the community at large; that they will bring with them into office those truly public and patriotic principles which they formerly held, but which they abandoned in opposition; that they will save the State, and promote the great purposes of public good, with as much steadiness, integrity, and solid advantage, as I am confident it must one day appear, the Earl of Shelburne and his colleagues have done. I promise them, before-hand, my uniform and best support on every occasion, where I can honestly and conscientiously assist them.

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In short, Sir, whatever appears dishonourable or inadequate in the peace on your table, is strictly chargeable to the noble Lord in the blue-ribbon, whose profusion of the public's money, whose notorious temerity and obstinacy in prosecuting the war, which originated in his pernicious and oppressive policy, and whose utter incapacity to fill the station he occupied, rendered peace of any description indispensable to the preservation of the State. The small part, Sir, which fell to my share in this ignominious transaction, was divided with a set of men, whom the dispassionate public must, on reflection, unite to honour. Unused as I am to the factious and jarring clamours of this day's debate, I look up to the independent part of the House, and to the public at large, if not for that impartial approbation which my conduct deserves, at least for that acquittal from blame, to which my innocence entitles me. I have ever been most anxious to do my utmost for the interest of my country; it has been my sole concern to act an honest and upright part, and I am disposed to think every instance of my official department, will bear a fair and honourable construction. With these intentions, I ventured forward on the public attention; and can appeal with some degree of confidence to both sides of the House for the consistency of my political conduct. My earliest impressions were in favour of the noblest and most disinterested modes of serving the public; these impressions were still dear, and I hope shall remain for ever dear to my heart: I will cherish them as a legacy infinitely more valuable than the greatest inheritance. On these principles alone I came into Parliament and into place; and I now take the whole House to witness, that I have not been under the necessity of contradicting one public declaration I have ever made: I am, notwithstanding, at the disposal of this House, and with their decision, whatever it should be, I will cheerfully comply. It is impossible to deprive me of those feelings which must always result from the sincerity of my best endeavours to fulfil with integrity every official engagement. You may take from me, Sir, the privileges and emoluments of place, but you cannot, and you shall not take from me those habitual and warm regards for the prosperity of Great Britain, which constitute the honour, the happiness, the pride of my life; and which I trust death alone can extinguish. And with this consolation, the loss of power, Sir, and the loss of fortune,

though I affect not to despise, I hope I shall soon be able to forget.

*Laudò manentem ; si celeres quatit
Pennas, resigno quæ dedit —*

*————— probamque
Pauperiem sine dote quæro.*

Sir Cecil
Wray.

Sir Cecil Wray thus explained himself, in answer to Mr. Fox :

Mr. Speaker,

The confusion in which I felt myself, when on my legs, may very probably have made me misunderstood : Sir, my words were, that I would not support any Administration in which the Lord in the blue ribband bore a part. I have been, Sir, in a constant opposition for these fourteen or fifteen years to his administration ; I did it because the noble Lord had high prerogative principles, because he involved in the cursed American war, the cause of all our ruin ; because I constantly heard him accused from this side of the House for want of wisdom ; my opinions were not therefore lightly adopted, and are never to be eradicated. Sir, I have not, it is true, been in a habit of making Ministers ; my life has been spent in pulling them down ; but had I the power to make them, my honourable friend should be the first ; his constitutional principles, activity, and wisdom well deserve it. By one imprudent connection he has once burnt his fingers, by a second more imprudent connection he may burn them a second time. Should this be the case, he will have himself to thank, not me.

Lord North.

Lord North spoke to the following effect : I stand up, Sir, late as it is, and much as has been said, to make some reply to that part of the debate especially, which concerns me and my friends. Several of the speakers have addressed much of their invectives against me, and those with whom I acted. A great deal has been thrown out on my supposed criminality, and those imaginary artifices to which it is alleged I owe my safety. The last speaker, whose amazing eloquence so deeply affected every member in the House, did me the honour to single me out as the object of his thunder. And it is no small presumption of my innocence, that I could hear him thunder without being dismayed, and even listened to his thunder with a mixture of astonishment and delight. But I must beg that honourable gentleman, and every

every honourable gentleman in this House, who now hears me, to observe, that I never abandoned, in a single instance, either my character, my connections, or my political principles; that I have ever been ready, fairly and honourably to meet the most scrupulous enquiry into the minutest action of my life; that I am even now ready to stand forth, and bid every species of such investigation defiance; and that, conscious of my own innocence, I am under no apprehension of either incurring censure, or deserving punishment. In this conviction, I will never be silent, when the cause of my country calls upon me to speak out. As this great object ever has, and ever shall determine my political conduct, I shall not think myself censurable, whoever they are, who think themselves bound in duty to act a similar part, or to speak the same decided language. I should be extremely sorry, indeed, if there was a single honest man in the whole kingdom who could not join me from his heart in asserting what is, in my opinion, the honour of the British empire; but if there exists, or if it can be proved that there exists the least substantial cause for a declaration so humiliating to me, I will pledge myself to the House, from this moment, that I will never henceforth put myself in a situation to make it necessary for any worthy man, who thinks or feels in this manner, to act officially with me.

Much has been said about a coalition, that seems very much to surprise the House. For my own part, there is nothing in it that surprises me: the noble Lord who made the motion, has uniformly discovered himself possessed of so amicable and upright a character; to be actuated by principles so purely patriotic and disinterested; to exhibit dispositions so singularly engaging and manly; that however we may have for many years past unfortunately differed in our sentiments of public affairs, yet I never once had the least occasion to believe, or even to suspect, that the noble Lord, when most strenuous in opposition to such measures as were then carrying on, and he thought himself bound in conscience to condemn, indulged any thing like personal rancour or disrespect to me. That these measures were unwise, impolitic, and injudicious, he certainly thought; and may still think; I can only say and lament that they were extremely unfortunate. However proper, and even necessary they then appeared to many wise and able statesmen, as well as to me, now that we can judge from events, it cannot be denied, that their consequences to this country

are extremely calamitous. But there are certainly times, and circumstances, and emergencies, when it highly becomes all honest men, of every party and description, manfully to relinquish their personal feuds and temporary animosities, and unite their serious efforts, by one generous exertion, in the common interest. It is, then, that mutually convinced of the integrity and honour of each other's intentions, however much they may have differed in carrying these intentions into execution or effect, could fairly meet in one cordial body for the public good. Every individual, inspired by the genuine love of his country, would then think it his honour to abate somewhat of the violence with which his former opinion was maintained, and form a junction at once honourable to himself, and serviceable to his country. When, for example, a character so universally allowed to be of the first distinction for public virtue as that of the noble Lord's, and whose political principles were so liberal and constitutional, does me the honour to offer me his friendship and concurrence in discharging the duty which we owe to the public, I think myself happy to receive that honour with cordiality, to embrace his proposition with sincerity, and to rejoice at a circumstance which, in my opinion, promises to terminate in the general advantage. The noble Lord's animosity to me, thank God, is now at an end; and I trust that our coalescence shall not be attended with any consequences in the smallest degree prejudicial to the country. In whatever we may still differ, there is nothing of this nature in which we can ever agree. Our union is on public principles; and to the public we shall always be ready to give in a just and adequate account of our stewardship.

The other honourable gentleman, whose astonishing capacity and abilities give his country such a just claim to his services, and which have long and solidly established his influence in this House, has also engrossed much attention from many of those gentlemen who have spoken against the resolution. He, too, has been brought in, as a co-partner with me, in that ridicule and invective which has characterised, and given so very pleasant an edge to the debate. It is very true, that, in this House, that honourable gentleman, when warm in the cause he espoused, has not spared me; he thought himself right, and I was not willing, while unconvinced, to acknowledge myself wrong. Many a time, when, as the honourable gentleman (Mr. Powys) over the way,

way, expressed it, I have been vilified, and grossly reprobated, and abused as every unfortunate Minister will be, that honourable gentleman (Mr. Fox) undoubtedly run me hard, and not unfrequently made me the butt of those inexhaustible powers of ridicule and asperity, which so eminently distinguish his eloquence. But however my official conduct might have been culpable for want of wisdom and capacity, I hope it never merited censure, as being destitute of zeal to promote what I then conceived to be the true interests of Great Britain. And notwithstanding that bold and decided manner in which the honourable gentleman espoused a very different part from me, it does not occur to my recollection that he ever charged me with the direct want of integrity. In the early part of that honourable gentleman's political career, when I had the happiness to possess his confidence and friendship, I always found him open, manly, and sincere; I knew his temper to be warm, but his nature is generous; and at the same time that I admire the vast extent of his understanding, I can rely on the goodness of his heart for security. As an enemy I have always found him formidable, and a person of most extraordinary talents to whatever Minister he opposes. But in proportion as I had reason to dread him, while his principles were adverse to mine, now they are congenial, we shall now unite with one mind and one heart in the cause of our country, with the greater certainty of success. And let me hail it as an auspicious circumstance in our country's favour, that those who were divided by her hostilities, are cemented by her peace.

The honourable gentleman [Sir Cecil Wray] who spoke last, roundly charges me with sticking blindly for prerogative. I do not know on what premises he forms this very logical conclusion; it does not appear, at least, to me. I certainly have fully and frequently asserted the prerogative of Parliament to bind those colonies, which were then united to this country, by every tie of duty and obedience. But I defy him, or any other honourable gentleman, to specify a single instance in which I ever attributed to the Crown any other prerogative than is vested in it by the constitution, or than it is acknowledged to possess by every sound Whig, and by all those authors who have written on the side of liberty. I never did, or wished to extend this branch of the legislature one inch beyond those limits which are prescribed to it by law. And however, at one time especially, loudly the

the clamour against me had been as a Minister desirous of ruling only by the influence of the Crown, I flatter myself it has already been found a charge totally untrue.

After all, whatever opinion may be formed of that coalition to which gentlemen have so frequently alluded, the noble Lord and the honourable gentleman know me too well either to require or expect that I will sacrifice any one of my public principles, or do any thing to purchase their friendship, desirable as it is, when obtained on fair and honourable grounds, in the smallest degree incompatible with my pretensions.

In Monday's debate, I asked if Congress, unable to raise a farthing for prosecuting a war in the heart of their own country, was it to be supposed that their contributions would be either liberal or cheerful for extending their hostilities to a foreign one? Have we then any thing to fear from their offensive exertions? I then likewise stated that they were so determined not to grant the Loyalists what it was the duty to insist upon in their behalf; that they would rather have suffered a continuance of the war. I had an opportunity since of satisfying myself more fully of the fact, and found my information to be authentic in every respect. In most of the States they refused to pay the tax levied by Congress for the service of the war. The Rhode-Islanders in particular rose forcibly on the officers who came to collect it, and drove them away. In Massachusetts the tax was discounted in the province, and consequently never carried to the public account. These facts demonstrate strongly that, had our Ministers been more peremptory than they were, the poor Loyalists had not been so utterly abandoned, nor Great-Britain degraded by terms so unequal to her dignity.

The very treaty of Utrecht was not by any means so disadvantageous as the present peace. Not all the eloquence of the honourable gentleman, [Mr. Pitt] great as it is, will ever be able to satisfy the public that her interests have not been sacrificed to an inadequate and premature accommodation. The article of Dunkirk will be to this country a lasting monument of her impotence, disgrace, and temerity. The East and West Indies have been obliged to relinquish British liberty for French despotism. And it requires a very different kind of oratory from any I have yet heard in this House to persuade me that these humiliating terms are sufficiently accounted for by our present political circumstances.

Possessed

Possessed of these ideas, it will not be easy to shew that I shall depart from my former declarations by voting, as I now do, for the motion under present consideration. Nor does it appear to me a just consequence that carrying it necessarily drives the honourable gentleman [Mr. Pitt] in my eye from the service of the public. The noble Lord who made this motion offers to adjourn the debate if his Majesty's Ministers will say that they think the production of papers necessary to throw further light on the subject, or will produce them. This is so fair a proposition, that the Minister who will refuse it justly deserves to be found in the minority.

The recognition of the American independence is, in my mind, an object of the greatest national magnitude that ever came under parliamentary discussion. For my own part, I should long ago have given my consent to grant it unconditionally, had I once dreamt the reserving that grant could have been made so little use of, or in so small a degree rendered subservient to public advantage.

Mr. Secretary *Townshend* replied to Lord North. He said, Mr. Sec.
Townshend if gentlemen would consider all things, the peace would be found as good a one as the situation of the country would admit of, or that there was any right to expect. The noble Lord and gentlemen might imagine, that if the war had been continued another campaign, something more might have been done; but it was the opinion of many others, high in respect and profession, that before the end of another year, there would have been great danger, had hostilities been continued, of America's being in possession of Quebec. To contend against so many confederated powers, was not like contending against one only, and the negotiation was equally difficult in the same manner of comparison; add to this, we were unallied, and had the fears of a large armed neutrality upon us. The noble Lord, in his own administration, had been able to prevent these combined armaments of the neutral, which in the course of things must have operated to the disadvantage of this country, and to the efforts of those who had to negotiate on behalf of it. Something having, in the course of the debate, dropped relative to the protection of the West-India islands, and that reinforcements might have been sent from the army at New York, the right honourable Secretary stated to the House the reasons of Government for not acting in that manner. Part of the troops at New York were the subjects of a fo-

reign Prince, and could not be commanded upon any service that had not been agreed upon at the time of contracting for them. Another part was Provincial troops, and were ineligible to the service; these two descriptions of forces being taken away, left the number very few, which were English. If the British troops had been ordered upon the service, there were at that time sufficient reasons to be alarmed for their safety, which, however, would be rather improper to mention. Even if a sufficient quantity of troops could have been spared from New York, there were no transports to convey them to the place that required their services. The right honourable Secretary said, Sir Henry Clinton and others had been consulted how far it might be prudent to weaken the garrison of New York, and all their advices had been against it. Gentlemen might remember, that Sir Henry Clinton would not spare a man to the fleet, when it appeared off that port, and the commander required it.

The noble Lord had, on Monday, agreed to the peace, that is, he had admitted the necessity of it; he then expressed himself to be unprepared to speak his mind fully upon it; but since that time had seemingly collected wonderful information. How had the time of the House been employed? It might not be amiss to take a retrospective view of this. First, on account of the late hour at which the House broke up, there was no meeting on Tuesday, and on Wednesday the call of the House took place. On Thursday they had heard a very long and eloquent speech from the Bar on behalf of Sir Thomas Rumbold; yet notwithstanding this, the noble Lord had found time to inform himself, and gain every information necessary to speak decidedly, and in the fullest manner, to that which on Monday he confessed himself incompetent to do. He could by no means suffer the words in the motion to pass.

Mr. Fox.

Mr. Fox confessed, that when he had the honour to bear a part in the administration, he had done wrong with respect to the troops at New York, and his successors in office had done wrong by following him, if the foreign troops were at first restrained by agreement from going upon any other service than that required in the part where they were stationed, Administration should have applied to the Landgrave for the purpose of getting quit of such an impediment. But even admitting this to have been done, the same number of troops would still have been wanting on the frontiers, so that an equal number must have been found to supply

supply the place of those withdrawn. Then where was the difference of employing them, and making up the number from elsewhere, or sending troops at once to the West Indies.

The right honourable gentlemen had said, that if all other obstacles had been removed, there was a want of transports for conveyance. He assured the House, and he spoke from the highest authority, the authority of the First Lord of the Admiralty, that there were the means of transporting the men if the measure had been advised. Mr. Fox declared he was still of the same opinion as on Monday, and in the early part of that evening he had so expressed himself. If Ministers had any means of exculpation, let them make use of them, he wished to see some; nothing appeared in their favour at present. If they wanted information, and could gather it from papers of office, let them procure them as soon as possible. If the state of the navy should appear inadequate to what it ought to be, or any deficiency whatsoever in that particular, that would be some excuse for the badness of the peace, he should think it as such; but till this, or something else equally exculpating, had been made to appear, he must remain fixed in his opinion upon it.

Mr. Secretary *Townshend* rose again, to declare, that let the authority be ever so high, the fact was otherwise. He stated that he had written over to the Prince of Hesse and the Duke of Brandenburg to settle, that their troops in our service might be moved from the continent of America to the West Indies, where they would have been long since conveyed, but that Sir Guy Carleton had written home word, that were there not other insuperable reasons against their removal from New York, there were no transports to embark them in.

Mr. Sec.
Townshend

Mr. *T. Pitt* declared, he had never felt so much uneasiness in the course of his parliamentary conduct as on that day. The House had heard a direct avowal of the deepest system of party, that had ever been acknowledged within those walls. What was the country, gasping for her existence, as she then lay, to expect, when men of the first abilities, instead of turning their attention solely to the promoting of her interests, recovering her strength, and resuming her prosperity, were engaged solely in an open struggle for power, and at a moment, when measures of the most cool, deliberate, and solemn nature were agitating, had no purpose in view but the building up a new Administration,

Mr. T. Pitt.

on the ruins of that, to which this country was under the greatest obligations, for having restored to her the blessings of peace. Mr. Pitt attacked the noble Lord with great severity, and said, the noble Lord's speech reminded him of a story he had heard when a boy, and which, if he recollected rightly, was said to have happened at the town of Bury. The story went, that one brother from motives of the basest self-interest, assassinated another, and left him, as he thought, for dead; when lo, after the villain had reached his home, and been there about two hours, he was struck with the horrible sight of his mangled and bleeding brother, yet alive, who had reached the House, and was crawling into the room where he sat with some company. The humanity of those present had the wounded man put to bed, and his wounds dressed; but at midnight the savage barbarian went alone to his brother's chamber, tore the dressings off his wounds, and caused his death, and when put upon his trial, had the astonishing hardness to plead not guilty to a charge of cutting and maiming, agreeable to the statute; resting his defence on the shameless and savage plea, that his intention had been not to maim, but to murder. So, the noble Lord in the blue ribband, after having assassinated and maimed his country, had the daring effrontery and triumphant inhumanity, to drag her mangled carcase before that House, to tear the dressings from her wounds, and to put her in danger of losing her existence.

Mr. D.
Hartley.

Mr. D. Hartley charged the Chancellor of the Exchequer with having made a speech ruinous to his country, and calculated to render us the contempt of every foreign power. Mr. Hartley went into an examination of our naval and military strength, and of our finances, and contended, that neither were in so weak nor in so exhausted a state, as the honourable gentleman had stated them to be. Mr. Hartley concluded with saying, he should vote for the motion.

Mr. Pitt.

The Chancellor of the Exchequer in reply said, such a declaration came with an ill grace from a gentleman, who, the very first day the Preliminaries and the Provisional Treaties were brought down, had risen at the instant to express his gratitude to Ministers for their having rescued their country from absolute, and apparently immediate ruin.

Mr. Pitt was called to order by Mr. Fox, for adverting to matter that had fallen in a former debate.

Mr. Pitt.

Mr. Pitt then confined himself to mere explanation, contending that he had not made a ruinous speech, but adverted solely

solely to such arguments as were necessary to be adduced in proof of the necessity that had occasioned such a peace, and in order to establish it as indisputable, that the motion was ill founded, the cessions that had been made not being inadequate, or such as ought not to have been made, considering the comparative strength of Great Britain and the confederated powers in arms against her.

Colonel *Onslow* rose with some warmth to reprehend Mr. *Colonel Onslow* T. Pitt for his harsh and severe attack on Lord North. The Colonel said, such sort of language and argument was unparliamentary, and should never be resorted to without his rising to oppose and reprehend it. He said, he would ever maintain, that his friend, the noble Lord, was as honest a man, and that he had been as able and upright a Minister as ever managed the public affairs of a great kingdom. The Colonel adverted to the coalition that had been so much talked of in the course of the day, and said, much good might arise from the junction of two such opposite parties. The violence of the one, and the moderation of the other would prove mutually advantageous to each, and he did not doubt be productive of great good to the kingdom.

Mr. *Martin* having risen several times to speak, and having been prevented, he insisted that he had as much right to speak as any man, although his abilities might not be so great.

The *Speaker* acquainted the honourable member, that he *The Speaker* always endeavoured to call on the gentleman who first caught his eye, that from the vast noise and uproar in the House, he sometimes was deceived; but then he generally suffered himself to be guided by the House.

Mr. *Martin* then shortly delivered his opinion concerning *Mr. Martin* the political junction, which he declared to be unnatural, and what he could never approve of; for it was calculated to destroy the object which lay nearest to his heart.

Mr. *Wilmot* spoke to the following effect. It is with the utmost reluctance I obtrude myself upon the House, even for the very few minutes I mean to detain it; nor should I venture to do it, if I did not find myself impelled, by what I think a sense of my duty, to make a few observations on a part of the peace, in which I feel myself much interested for the honour of my country, and which I consider quite in a different light, and for different reasons than any person who has before spoke either to-day, or when the subject was last before

States, and which they cannot elude without a direct breach of the same treaty, which establishes and recognizes their own independence. But this is not all; for this article not only affects and quiets the possessions and the liberties of those who are inhabitants of the United States, but is also materially affects and reclaims many of that other description of the Loyalists who have left that country, and who are either here, or under the protection of his Majesty's troops in America. As there are many persons of that description whose estates have not been confiscated, and I know some of them in this country who will, or think they will, recover their estates again under that article; for there is no exception in it, and it is for the benefit of all those whose estates have not been actually confiscated, whatever has been the part they may have taken in the war.

Now with regard to the other Loyalists, namely, those who have borne arms against the United States, there is certainly no direct and positive stipulation in their favour, so that they can be restored to the immediate possession of their estates; but what I shall state to the House is, that there are some provisions in the treaty which have not been adverted to, and that all the care has been taken of them that could reasonably be expected. Sir, I sincerely wish more could have been effected for them, and it is not without the most poignant grief when I consider their sufferings, though I think and trust it is in the disposition, as well as in the power, of this country to alleviate, and in some measure to compensate them. But, Sir, I look upon this circumstance, of their not being restored to their estates, as one of the most lamentable, but one of the inevitable consequences of the fatal termination of this calamitous war; but there is another consequence which seems to be almost forgotten, and which, in my opinion, is more lamentable, because it is without remedy, and because its pernicious effects will be felt to the latest posterity; I mean, Sir, the Independence of America, and when I say it is a more lamentable one, I mean because I apprehend the other it is in the power of this country to remedy and relieve, by much more easy means than are generally imagined, as I shall endeavour to explain by and by. The independence of America being now no longer the object of contest between parties, seems hardly, at least in this House, to deserve even a parting sigh; though I confess myself I shall never think of the fatal necessity there was for submitting to it without the most heart-felt

felt pangs, because we thereby part with the best security we had for discharging the burthens there are upon this country, and which will go near in the end to overwhelm it; but this, Sir, is now no longer matter of contention in this House, and it is agreed to with as much acquiescence by those who have expended a hundred millions to prevent it, as it is by those who have frequently declared themselves well-wishers to that resistance that produced it.

But to return from this digression. I most certainly do agree, with every man of common humanity, in wishing that better terms could have been procured for the American Loyalists; but I do not think it was to be expected, that at the end of a successful rebellion, in which, as the noble Lord confessed a few days ago, this country had been baffled and beaten, that those who were successful and victorious should on any terms give up their estates and possessions again to those with whom they had been contending; that the victors should give up to the vanquished, was, I think, in no case to have been expected, and it was most preposterous to expect it. If we had not made peace till that point was given up, we must have gone to war to all eternity; but is it a reason, because you cannot obtain the utmost of your wishes, that therefore you should neglect that which can be obtained? Or that because those who have the most merit as to this country, and are the most persecuted by your enemies on that very account, that therefore you are to abandon and desert them? On the contrary, I understand it to be the intention of Government, and has always been their intention, and it has his Majesty's recommendation, to make some solid provision for those who shall not be relieved under the treaty itself, and perhaps in the end those persons will have no cause to complain, who are recompensed with sterling money, instead of a ruined estate, or American paper currency; but surely it is not consistent with prudence, and with that oeconomy which seemed some time ago to be the darling favourite of this House, to pay the debts of others before we see what chance there is of their being discharged by the debtors themselves. But, considering the state of that country, I can easily imagine reasons, why it may not be proper, at this time, to unfold every expectation on that subject. This, however, I may assent, that it is my opinion, many persons will obtain the restitution of their estates under that article, in some of the United States, though they should not in all of them; but here again, Sir,

it is said, that you have made better terms for those who have not borne arms, than for those who have, and that therefore the distinction is treacherous and ungrateful; but, Sir, I beg leave to insist, that this article does not describe the degree of merit those persons have *quoad* Great Britain, or the proportion in which they shall be compensated or rewarded, but only how far the United States should contribute to this restitution, in case their recommendation should have any effect. But those persons who complain of this distinction, which they load with so many odious epithets, would do well to recollect, that according to their argument the distinction will not take place, because they argue, that the whole provision is nugatory, and to no effect. Now, if from the nature of the case, and from the unfortunate event of the war, which I can never too much deplore, we are not able to make our enemies provide for those who deserve the best at our hands, that is no reason we should not make the best stipulation we can for others of our friends, not only because it is consonant to common sense and common justice, but that we may the more easily, the more effectually, and the more amply provide for the rest ourselves.

But the truth is, that the number of those who have borne arms against the United States, and who had any estates to confiscate, is made better than what is generally imagined. As to the other part of the American sufferers, namely, merchants, tradesmen, civil officers, the clergy, the military, and other professions, these have hitherto, and will undoubtedly continue to receive the protection of the legislature, for their support, till they can provide for themselves in their several professions; and here I must do the present Administration the justice to say, that they have shewn a disposition to engraft, and adopt them into the different establishments in this country, which will operate both as a service to the individual, and a saving to the public; but I beg leave farther to mention, that there are two express stipulations in the treaty which will be of great service to those persons, as well as to the whole body of the Loyalists, whether in America or Great Britain, namely, that "creditors on either side shall be at liberty to recover their debts, in sterling money;" and another, "that all persons, who have any interest in confiscated lands, either by debts, marriage settlements, or otherwise, shall be at liberty to prosecute their just rights;" and I must add, that it has come within my knowledge, within this week, that persons of these

these different descriptions in this country, I mean land-owners, creditors, and persons having an interest in confiscated lands, expect to derive a benefit from those provisions. But, perhaps, it will be said, Congress will never keep their faith in these particulars, and it is in vain to expect they will ever derive any benefit from them. To this I answer, this is an objection to every provision you could have made for them, and the stronger to such as are the most liberal; and I confess, I should have suspected too much liberality, and too many promises on this occasion. I hope, Sir, I have now made out what I proposed, that there are some provisions in this treaty which have not been adverted to, and that every thing has been done in their favour that could be reasonably expected, though not every thing that could be wished, because no bounds could be set to our wishes in favour of those persons who have risked their lives, and sacrificed their fortunes in the cause of Great Britain; that the treaty does provide effectually and completely for, by much the greatest part of the American Loyalists, that the interests of the remainder are attended to; that the number of those, who will derive no benefit from the treaty, are few in comparison of the rest, and that they will be provided for, as is most just, at a much more moderate expence than is generally imagined, and which I am most happy to see the House and the nation disposed to, by which not only the honour and justice of the nation will receive no stain or blemish, but its liberality and public faith will be applauded throughout Europe.

Having thus endeavoured to rescue my country from the imputation of treachery and ingratitude to its friends, I shall say a very few words on the other parts of the peace. Upon the whole, Sir, it meets with my hearty approbation, and I am confident, that a very few months, and a very few weeks ago, every man in this nation would have leaped for joy to have obtained the blessings of peace, even upon more disadvantageous terms. The noble Lord in the blue ribband told us, we could not expect an honourable, we could not expect an advantageous peace. He has long prepared us for what we were to expect. Sir, this is a war in which we were not fighting for glory, or for conquest, we have been long awakened out of those delusive and deceitful dreams; we have been fighting these four years for our very existence. Sir, considering the finances of this country, and the numerous enemies we had to contend with, peace was necessary at all

events, even victory or conquest only protracted our ruin. What effect had that most splendid victory of Lord Rodney? It saved Jamaica for that campaign; but with the fleet assembled at Cadiz, and the assistance of the Dutch, as ably stated by a gallant naval officer in the beginning of this debate, would not the same island, and indeed the whole of our commerce, have been in the most imminent danger, and especially as it could not be expected that Gibraltar would have been of that service it has hitherto been, in diverting the attention of the enemy. Thinking, therefore, as I do, that, upon the whole, the peace is a desirable one; I see the resolution, now proposed, in no other light than as casting a reflection upon Ministers, when, in my opinion, they deserve the thanks of the nation; and if the concessions were greater than what the enemy was entitled to, it does not follow, that Ministers are therefore to blame, because the true question upon this peace is, whether the concessions are, upon the whole, greater than it was the interest of this country to accede to, rather than continue so calamitous and ruinous a war, and which nobody has ever ventured to assert, and I could have wished that some amendment of that nature had been made by some person of more consequence than myself, early in the day, that the genuine sense of the House might be known upon that proposition. But thank God, Sir, the contest is now about men, not measures, and I think we ought to be grateful for the peace.

Mr. Hill.

Mr. Hill kept the House in a continual roar of laughter during the short time he spoke. He assured the Speaker he would not detain the House more than five minutes, nor would he speak, as some others did, for five hours; for it was plain, let who would speak, let whoever would be Bored, the right honourable Speaker, from his situation, *ex officio*, was the Boree. What to make of the new coalition, he knew not; it appeared to him to be one of these strange mixtures of an acid and an alkali, which, in a chymical preparation, generally produce a neutral; in fact, he said, it was like Herod and Pontius Pilate mixing together, therefore having so bad an opinion of the two descriptions of men that opposed the peace, he should vote against the motion.

It now being past three o'clock, the members were so impatient for the question, that the House was in a continual uproar. After it had subsided, the Speaker put the question.

“ That

"That the concessions made to the adversaries of Great Britain, by the said Provisional Treaty and Preliminary Articles, are greater than they were entitled to, either from the actual situation of their respective possessions, or from their comparative strength."

The House divided about half past three o'clock, when the numbers were; Ayes 207; Noes 190. Majority for censuring the Terms of Peace 17.

Lord John Cavendish then withdrew the motion relative to the Loyalists, and the House adjourned.

The following papers were laid upon the table in obedience to order. They were moved for by Mr. Fox, to shew the state of the navy at the time of making the peace.

An Account of the Number of Ships of War in commission, and of the Seamen and Marines borne the 31st of last Month, January 1783, taken from the Table.

Numb. I. *Ships of the Line.*

Ships Names.	Commanders.	Number of Officers.	Seamen.	Marines.	Dead since last Return.
Britannia - - 108	Capt. Hill — — —	39	743	86	122
Victory - - 104	— Duncan — — —	38	761	89	96
Atlas - - 96	— Vandeput — — —	35	684	70	89
Blenheim - - 90	— A. Duncan — — —	33	676	64	90
Barfleur - - 98	Lord Hood's flag ship in North America — — —	36	740	60	No return.
Duke - - 98	Capt. Gardner — — —	33	670	60	Do.
Formidable - - 98	Adm. Pigot's flag ship, Leeward islands — — —	36	750	60	Do.
London - - 94	Adm. Rowley's flag ship at Jamaica — — —	36	680	60	Do.
Namur — - 90	Capt. Fanshaw — — —	32	650	56	Do.
Ocean - - 90	— Bowyer — — —	33	680	64	72
Prince George 98	Capt. not known — — —	32	640	70	No return.
Princess Royal 98	— Faulkner — — —	32	670	66	107
Queen - - 98	— Donnett — — —	32	680	70	63
Sandwich - - 90	— Frodsham — — —	26	560	40	52 guardship. Union

Ships Names.	Commanders.	Off.	Sea.	Mar.	Dead.
Union - - 90	Rear-adm. Hughes's flag, West Indies	— — 34	764	66	No return.
Cambridge - 80	Capt. Stewart	— — 26	659	50	62
Foudroyant - 80	Sir J. Jarvis	— — 26	620	47	103
Gibraltar - - 80	Com. Sir R. Bickerton's flag East Indies	— — 28	660	54	No return.
Princess Amelia 80	Capt. Reynolds	— — 26	650	50	Do.
Royal William 84	— Allen	— — 23	580	46	109
Ajax - - - 74	— Charrington	— — 20	496	36	No return.
Alcide - - - 74	— Thompson	— — 20	560	36	Do.
Alexander - - 74	— C. Cotton	— — 20	550	30	64
Alfred - - - 74	— Dumaresq	— — 20	570	34	No return.
Arrogant - - - 74	— Cornish	— — 20	564	30	Do.
Bedford - - - 74	Com. Sir E. Affleck's flag, West Indies	— — 22	576	36	Do.
Bellona - - - 74	Capt. Onslow	— — 20	560	30	Do.
Berwick - - - 74	— Phipps	— — 20	556	32	Do.
Bombay Castle 74	— Bourmaster	— — 22	564	30	46
Carnatic - - - 74	— Peyton	— — 10	190	—	New ship.
Conqueror - - 74	— Balfour	— — 22	570	30	No return.
Courageux - - 74	— Lord Mulgrave	— — 22	530	26	59
Cumberland - 74	Capt. W. Allen	— — 22	570	32	No return.
Defence - - - 74	— Newnham	— — 22	570	32	Do.
Dublin - - - 74	— Dickson	— — 20	520	30	43
Edgar - - - 74	— Hotham	— — 22	570	30	36
Egmont - - - 74	— Ferguson	— — 20	530	30	69
Elizabeth - - - 74	— Kinmill	— — 20	560	36	49
Fortitude - - - 74	— Bertie	— — 22	566	30	27
Fame - - - 74	— Wilson	— — 20	580	36	No return.
Goliath - - - 74	— Sir H. Parker	— — 22	600	36	34
Ganges - - - 74	— Fielding	— — 20	547	30	63
Grafton - - - 74	— Douglas	— — 20	561	25	36
Hercules - - - 74	— Savage	— — 22	573	36	No return.
Hero - - - 74	Captain unknown	— — 22	586	36	No return.
Hector - - - 74	— Sir J. Hamilton	— — 20	542	30	29
Invincible - - 74	— Saxon	— — 22	570	34	No return.
Irresistible - - 74	— Symonds	— — 10	210	A new ship fitting out	
Lenox - - - 74	— Bennett	— — 14	360	16	11 guardship.
Marlborough - 74	— Penric	— — 20	584	30	No return.
Monarch - - - 74	— Reynolds	— — 20	563	36	Do.
Magnificent - 74	— R. Linzee	— — 20	590	30	Do.
St. Michael - - 74	— Sir Cha. Knowles	— — 14	460	—	At Gibraltar.
Pegasus - - - 74	— Berkley	— — 20	570	30	17
Royal Oak - - - 74	— Buckner	— — 18	594	34	No return.
Shrewsbury - - 74	— Coffin	— — 20	576	30	Do.
Suffolk - - - 74	— Sir G. Hume	— — 22	594	34	Do.
Sultan - - - 74	— Watt	— — 20	590	30	Do.
Superb - - - 74	Adm. Sir E. Hughes's flag, East Indies	— — 26	610	38	Do.

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D E B A T E S.

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Ship's Names.	Commanders.	Offr.	Sea.	Mar.	Dest.
Torbay - - - 74	Capt. Giddon - - -	18	547	29	Do.
Triumph - - - 74	P. Affleck - - -	10	579	30	19
Valiant - - - 74	Goodhall - - -	10	590	30	23
Vengeance - - 74	Moutray - - -	20	600	26	10
Warrior - - - 74	J. Symons - - -	20	600	32	No return.
Africa - - - 64	M'Dougal - - -	18	510	26	Do.
Agamemnon - - 64	Caldwell - - -	18	536	24	Do.
America - - - 64	S. Thompson - -	18	519	22	Do.
Anson - - - 64	Rodney - - -	11	540	26	17
Ardent (prize) 64	Lucas - - -	14	460	20	No return.
Ardent (new) 64	- - -	4	170	-	-
Burford - - - 68	Rainier - - -	18	547	26	No return.
Belliqueux - - 64	Sutherland - -	17	562	26	Do.
Bienfaisant - - 64	Howarth - - -	18	539	26	71
Belleisle - - - 64	Haynes - - -	15	476	24	16
Buffalo - - - 60	Holloway - - -	17	490	21	39
Crown - - - 64	Reete - - -	18	566	24	No return.
Diligente - - - 68	Hunt - - -	13	396	17	Guardship.
Dictator - - - 64	Pellew - - -	9	190	-	A new ship.
Diadem - - - 64	Name erased - -	11	240	-	A new ship.
Dunkirk - - - 60	Millenger - - -	14	490	24	19
Eagle - - - 64	Unknown - - -	16	540	26	No return.
Europe - - - 64	Duckworth - -	18	576	24	39
Exeter - - - 64	Unknown - - -	16	526	21	No return.
Inflexible - - 64	Chetwynd - - -	18	586	26	Do.
Lion - - - 64	Foulkes - - -	16	536	18	Do.
Monarca - - - 68	Gille - - -	18	562	24	Do.
Monmouth - - 64	Commodore Alms -	20	593	24	Do.
Magnanime - - 64	Wolfeley - - -	18	576	28	No return.
Medway - - - 60	Edgar - - -	10	410	-	Fitting.
Nonsuch - - - 64	Truscott - - -	18	563	24	No return.
Princessa - - - 68	Rear-admiral Drake's flag,	-	-	-	-
	West Indies - -	24	610	30	Do.
Prudent - - - 64	Capt. A. Barkley -	16	547	24	Do.
Polyphemus - - 64	Fynich - - -	16	547	24	Do.
Prothée - - - 64	West - - -	16	536	20	Do.
Prince William 64	Keppel - - -	18	542	21	Do.
Prince Edward 64	Otröck - - -	16	370	14	29 guardship.
Panther - - - 60	Synclinton - -	11	320	-	Fitting.
Repulse - - - 64	Curgeven - - -	16	561	20	No return.
Ruby - - - 64	Collins - - -	16	590	20	Do.
Rippon - - - 60	Durell - - -	12	496	16	49
Reasonable - - 64	Lord Hervey - -	18	578	20	No return.
St. Alban's - - 64	Capt. Inglis - -	18	560	20	Do.
Sampson - - - 64	Harvey - - -	17	549	18	47
Sceptre - - - 64	Greaves - - -	18	570	20	No return.
Scipio - - - 64	Mann - - -	18	496	20	19
Standard - - - 64	Dickson - - -	18	510	18	23

Vigilant

Ships Names.	Commance.s.	Off.	Sea.	Mar.	Dead.
Vigilant - - 64	— A. Douglas -	— 17	547	20	19
Worcester - - 64	— Talbot -	— 18	572	24	No return.
Yarmouth - - 60	— Parry -	— 16	537	20	Do.

Numb. II. *Ships of the Line, and Frigates above 30 Guns.*

Adamant - - 50	Capt. Graves -	— 16	270	24	No return.
Assistance - - 50	— J. Worth -	— 16	263	18	Do.
Bristol - - 50	— J. Burney -	— 16	280	24	Do. E. Indies.
Centurion - - 50	— W. Clayton -	— 15	230	19	Do.
Cato - - 50	Adm. Sir Hyde Parker to the East Indies -	— 18	300	24	Do.
Chatham - - 50	Adm. Digby's flag, New York -	— 16	246	18	Do.
Grampus - - 50	Lord Cranston -	— 14	259	16	8
Ifis - - 50	Capt. Lumley -	— 16	262	22	No return.
Jupiter - - 50	— T. Paisley -	— 15	239	24	Do.
Leander - - 50	— Shirley -	— 14	272	20	Do.
Prefton - - 50	— Leslie -	— 16	286	24	Do.
Portland - - 50	— Bafton -	— 16	269	18	25
Renown - - 50	— Henry -	— 18	276	18	24
Romney - - 50	— Com. Elliot -	— 18	320	24	18
Rotterdam - - 50	Capt. J. Knowle -	— 16	317	18	No return.
Salisbury - - 50	— R. Sutton -	— 18	265	20	36
Trusty - - 50	— J. Bradby -	— 16	236	16	19
Warwick - - 50	— K. Elphinstone -	— 14	225	18	63
Affurance - - 44	— T. Swinney -	— 14	231	12	No return.
Argo - - 44	— T. Buchart -	— 14	246	14	Do.
Actzon - - 44	— F. Parry -	— 14	227	14	Do.
Diomede - - 44	— T. Frederick -	— 14	250	12	Do.
Dolphin - - 44	— L. Sutton -	— 14	241	14	Do.
Endymion - - 44	— F. Smith -	— 14	237	12	Do.
Janus - - 44	— O'Hara -	— 14	186	—	Do.
Mediator - - 44	— J. Luttrell -	— 16	246	16	26
Rainbow - - 44	— T. Trollope -	— 14	263	16	14
Resistance - - 44	— J. King -	— 14	269	14	No return.
Rochuck - - 44	— T. Orde -	— 14	247	14	29
Serapis - - 44	— C. Everitt -	— 10	196	—	No return.
Ulyffes - - 44	— T. Spry -	— 14	267	14	Do.
Artois - - 40	— Macbride -	— 12	176	12	Do.
L'Aigle - - 40	— Brunfton -	— 12	147	—	Do. Pric N.A.
Fortunée - - 40	— H. Christian -	— 12	184	12	Do.
Minerva - - 40	— T. Pakenham -	— 12	200	14	Do.
Thetis - - 40	— J. Blanket -	— 12	208	14	7
Arethufa - - 36	— R. Pearson -	— 12	187	14	18
Alarm - - 32	— C. Cotton -	— 10	165	12	No return.

Æolus

Ships Names.	Commanders.	Offi.	Sea.	Mar.	Dead.
Æolus - - - 32	H. Collins	10	183	12	Do.
Andromache - - 32	G. Byron	10	179	14	16
Astræa - - - 32	M. Squires	10	187	14	No return.
Apollo - - - 32	C. Hamilton	10	179	12	
Amphion - - - 32	J. Barclay	10	165	14	No return.
Active - - - 32	T. McKenzie	10	193	14	Do.
Ambuscade - - 32	R. Young	10	164		
Amiable - - - 32	Captain unknown	10	186	12	Do.
Alcmene - - - 32	J. Douglas	10	192	14	Do.
Amazon - - - 32		14	167	14	
Brune - - - 32	R. Bickerton	12	187	14	
Cerberus - - - 32	J. Wheate	12	192	14	No return.
Ceres - - - 32	R. Hawkins	10	167	12	Do.
Cleopatra - - - 32	G. Murray	10	149	12	43
Danae - - - 32	P. Roberts	10	167	12	No return.
Dædalus - - - 32	T. Pringle	10	183	14	Do.
Diana - - - 32	R. Edward	10	194	12	Do.
Diamond - - - 32	J. Thompson	10	189	12	Do.
Emerald - - - 32	W. Knell	10	200	12	Do.
Flora - - - 32	St. Marshall	10	165	12	26
Fox - - - 32	G. Stonoy	10	181	14	No return.
Hebe - - - 36	G. Keppel	10	127		Not fitted.
Hermione - - - 32	T. Lloyd	10	169	12	
Iphigenia - - - 32	P. Parker	10	170		
Jason - - - 32	J. Pigot	10	196	14	No return.
Juno - - - 32	J. Montagu	10	219	14	Do.
Latona - - - 36	S. Conway	10	164		
S. Lecaodia - - 36	C. Hope	10	226	14	Do.
Licorne - - - 32	S. Douglas	10	189	14	Do.
Monfieur - - - 36	St. Finch	10	206	14	Do.
Margaretta - - 36	E. Salter	10	200	12	Do.
Magicienne - - 32	T. Graves	10	186	12	Do.
La Nymphe - - 36	J. Ford	10	209	14	Do.
Orpheus - - - 32	C. Dacres	10	167	12	Do.
Oiseau - - - 32	H. Lloyd	10	170	12	Do.
Phaeton - - - 36	W. Waldegrave	10	189	14	16
Pallas - - - 36	P. C. Parker	10	176	14	No return.
Perseverance - - 36	H. Lutwidge	10	186	14	Do.
Profelyte - - - 32	J. Bourne	10	169	12	Do.
Quebec - - - 32	C. Mason	10	194	14	Do.
Stag - - - 32	R. Cooper	10	167	14	13
Succes - - - 32	M. Pole	10	184	12	No return.
Syrena - - - 32	C. Carlyon	10	182	10	14
Thalia - - - 36	R. Caulder	10	149	10	10

Numb. III. *Frigates under Thirty Guns.*

Ships Names.		Commanders.		Off.	Ses.	Mar.	Dead.
Albemarle	- 28	H. Nelson	—	—	12	184	10
Aurora	- 28	G. Campbell	—	—	12	192	8
Boreas	- 28	A. Montgomery	—	—	11	167	10 27
Cyclops	- 28	H. Christian	—	—	10	182	10
Carysfort	- 28	C. Peacock	—	—	10	175	8
Charles-town	28	R. George	—	—	10	193	10
Coventry	- 28	A. Mitchell	—	—	10	176	8
Enterprize	- 28	T. Payne	—	—	10	169	10
Eurydice	- 28	W. Courtney	—	—	10	175	8
Grana	- 28	G. Fortescue	—	—	10	167	10
Huffar	- 28	F. Ruffel	—	—	10	176	10
Medea	- 28	E. Gower	—	—	10	165	10
Mercury	- 28	T. Stanhope	—	—	10	174	10 8
Myrmidon	- 26	T. Drury	—	—	10	192	6 4
Nestor	- 28	J. M'Namara	—	—	10	162	8
Nemesis	- 28	T. Vaillant	—	—	10	157	10 14
Neckar	- 28	C. Carpenter	—	—	10	163	10
Pegasus	- 28	J. Stanhope	—	—	10	174	10
Perseus	- 28	T. Lovell	—	—	10	165	8 14
Proserpine	- 28	T. Taylor	—	—	10	179	14
Reforce	- 28	S. Ravley	—	—	10	187	12
Rhinoceros	- 28	B. Creyk	—	—	10	183	10
Surprize	- 28	J. Ferguson	—	—	10	157	10
Sybil	- 28	M. Vashon	—	—	10	173	8
St. Eustatia	- 28	W. Camgree	—	—	10	171	10
Seahorse	- 26	R. Montague	—	—	10	162	8
Tartar	- 28	G. Fairfax	—	—	10	165	10
Vestal	- 26	W. Fox	—	—	10	157	10
Amphitrite	- 24	R. Biggs	—	—	10	167	10
Ariadne	- 24	R. Phillips	—	—	10	152	8
Belifarius	- 24	R. Greaves	—	—	10	147	8
Champion	- 24	H. Wells	—	—	10	136	8
Crocodile	- 24	J. Williamson	—	—	10	129	6
Caroline	- 24	B. Cockran	—	—	10	131	8
Camilla	- 24	R. Bourne	—	—	10	126	6
Daphne	- 24	M. Fortescue	—	—	10	104	8
Greenwich	- 24	W. Daniel	—	—	10	126	10 17
Garland	- 24	W. Cloud	—	—	10	117	10
Galatea	- 24	R. Tukelt	—	—	10	96	
Hydra	- 24	C. Hockins	—	—	10	172	8
Lively	- 20	T. Mitchell	—	—	8	109	
Narcissus	- 24	E. Edwards	—	—	10	162	8
Nymph	- 20	R. Hiller	—	—	10	114	6
Pandora	- 24	J. Inglis	—	—	8	108	10
Porcupine	- 24	T. Gibson	—	—	8	108	10

Ships Names.	Commanders.	Off.	Sen.	Mar.	Dead.
Proteus - - 24	V. Edwards	—	8	109	8
Pylades - - 24	H. Darley	—	8	106	
Sphinx - - 24	R. Tetby	—	8	108	8
Seaford - - 24	F. Roberts	—	8	104	8
La Sophia - - —	M. Lockie	—	8	98	} Prizes.
La Triton - - —	—	—	8	107	

New Ships coming forward, and likely to be launched by Midsummer, or shortly after.

Andromeda - - 32	Liverpool	Heroine - - 32	Bucklerfand
Bush - - 20	Sandgate	Indefatigable - - 64	Ditto
Charon - - 44	Bristol	Iris - - 32	Deptford
Crescent - - 32	Burleston	Mermaid - - 32	Woolwich
Calypso - - 20	Limehouse	Phoenix - - 36	Burleston
Comet - - 16	Wivenhoe	Penelope - - 32	Bristol
Director - - 64	Gravesend	Regulus - - 44	Northam
Europa - - 50	Woolwich	Rattler - - 20	Sandgate
Experiment - - 44	E. Cowes	Stately - - 64	Northam
Guardian - - 44	Limehouse	Veteran - - 64	East Cowes.

Numb. IV. Sloops, &c.

Ships Names.	Commanders.	Total Complem.	Dead.
Ariel - - 16	R. Fabrie	126	9
Albacore - - 16	—	132	No return.
Arrow - - 16	A. Gibbes	119	Do.
Atalanta - - 16	P. Brett	108	Do.
Allegiance - - 16	D. Phips	116	Do.
Alert - - 14	W. Miller	110	10
Avenger - - 14	A. Scot	110	No return.
Alderney - - 14	T. Glafford	116	7
Argo - - 12	Unknown	104	
Antigua - - 12	F. Barton	104	
Advice - - 12	E. Williams	104	9
Buffler - - 14	T. Cade	108	
Bonetta - - 14	T. Keates	106	No return.
Beaver - - 14	J. Peyton	106	Do.
Badger - - 14	R. Hill	108	Do.
Beaumont - - 14	E. Sheperd	108	Do.
Baracenta - - 14	A. Otway	96	Do.
Bull Dog - - 14	T. Smellie	87	Fitting.
Cormorant - - 16	J. Malcombe	112	No return.
Cameleon - - 16	— Bailey	114	Do.
Chaser - - 18	T. Pary	109	Do.

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Cygne

Ships Names.	Commanders.	Total Complem.	Dead.
Cygnets - - - 18	F. Baskerville	114	Do.
Childers - - - 16	D. Mackey	110	Do.
Duc de Chartres 16	C. Purvin	114	Do.
Duc d'Estillac 16	T. Lake	110	Do.
Drake - - - 16	C. Dixon		
Dragon - - - 14		46	Fitting.
L'Espion - - - 16	T. Shivers	110	No return.
Echo - - - 16	G. Colquit	110	6
Experiment - - 16	E. Herbut	108	No return.
Expedition - - 16	R. Hogerson	114	Do.
Fairy - - - 16	W. Jeo	87	
Fly - - - 16	T. Kelly	102	7
Fortune - - - 14	F. Greville	100	4
Fury - - - 14	T. Cabell	106	No return.
Flirt - - - 14	N. Brunton	108	
Falcon - - - 14	T. Bungway	106	
Flying Fish - - 14	T. M'Dougal	109	No return.
Germain - - - 16	T. Ball	112	Do.
Guay Trouin 16	B. Hulke	109	
Griffin - - - 14	T. Cooke	103	
Hound - - - 18	B. White	108	8
Hornet - - - 16	T. Findlay	105	No return.
Helena - - - 16	G. Cadman	107	12
Hannibal - - - 16	G. Reeves	100	
Inspector - - - 16	W. Heath	116	
Independence 14	Unknown	96	
Jamaica - - - 16	M. Dixon	108	No return.
Jackall - - - 14	D. Dobrey	108	14
Kite - - - 14	Unknown		
Lark - - - 16	A. Givot	109	
Lynx - - - 16	T. Norman	114	
Lisburne - - - 16	T. Delken	87	
Lively - - - 16	T. Stander	109	
Merlin - - - 18	G. Lumsdain	120	No return.
Mentor - - - 16	B. Hicker	116	Do.
Martine - - - 14	T. Sparker	108	Do.
Mutine - - - 14	T. Hill	106	Do.
Monkey - - - 14	B. Calot	106	Do.
Nymph - - - 14	R. Hilts	110	
Nimble - - - 14	G. Bray	104	14
Orestes - - - 16	T. Bowen	116	10
Otter - - - 14	El. Harvey	105	7
Pylades - - - 18	E. Darby	116	5
Porcupine - - - 16	T. Gibbson	108	No return.
Pelican - - - 16	E. Bowater	108	Do.
Pacahunta - - - 14	U. Draper	106	Do.
Pigmy - - - 14	W. Mitchell	106	Do.

Ships Names.		Commanders.	Total Complem.	Dead.
Polecat	- 14	T. Napier	109	Do.
Pilote	- 14	S. Lynn	105	7
Placentia	- 14	R. Andrews	104	No return.
Port Antonio	14	T. Ried	107	Do.
Prince Edward	14	R. Symonds	107	Do.
Port Morant	14	P. Jephson	104	Do.
Pelican	- 14	B. Whitfield	108	Do.
Raven	- 18	J. Weller	73	
Racehorse	- 18	J. Waller	109	11
Ranger	- 16	B. Walker	86	West Indies.
Reynard	- 16	Unknown	106	Do.
Recovery	- 18	J. Spearing	108	Do.
Rambler	- 16	J. George	106	14
Resolution	- 16	T. Pellew	100	5
Swift	- 16	G. Maitland	100	No return.
Scourge	- 16	J. Smith	110	4
Speedwell	- 16	T. Pyne	106	No return.
Shark	- 16	J. Maitland	109	Do.
Savage	- 16	E. Crawley	114	Do.
Stormont	- 14	C. Cobb	108	Do.
Star	- 14	N. Ingram	104	Do.
Scout	- 14	B. Ellis	110	
Speedy	- 14	J. Yonge	108	No return.
St. John	- 14	R. Milbanke	110	Do.
Substitute	- 14	D. Fancourt	110	Do.
Sprighaly	- 14	J. Swan	100	7
Sultana	- 14	B. Williams	100	5
Surprise	- 14	W. Bevan	100	
St. Phillips	- 14	J. Barker	100	No return.
Termagant	- 18	C. Stirling	114	Do.
Trimmer	- 18	J. Hunt	114	Do.
Tobago	- 18	H. Martin	106	
Tickler	- 16	W. Drury	106	Do.
Thorn	- 16	H. Ellis	104	Do.
True Briton	- 14	F. Loveday	100	5
Vaughan	- 16	D. Stowe	100	No return.
Victor	- 16	F. Freeman	100	Do.
Vulture	- 16	W. Griffiths	94	Do.
Viper	- 16	R. Bridgen	100	
Wasp	- 16			Fitting.
Zebra	- 16	E. Longroff	108	No return.
Zephyr	- 16	T. C. Hills	110	10

Fire-Ships and Bombs.

Alecto - - -	12	Butler	Pluto - - -	18	J. Moffe
Blast - - -	12	Peterfon	Spitfire - - -	20	Mostyn
Combustion - - -	12	M'Lellan	Sulphur - - -	10	Loffack
Furnace - - -	8	J. Wright	Tifiphone - - -	10	Sandys
Harpy - - -	10	S. J. Barclay	Volcano - - -	8	Temple
Incendiary - - -	10	J. Fortefou	Vesuvius - - -	10	Allen
Infernal - - -	10	J. Alcas, jun.	Terror - - -	10	Efferton.
Lightning - - -	10	J. Hewit			

The crews of these ships alter very frequently, but they are taken at a medium of 80 men each, officers, &c., included.

Armed Ships, Store-Ships, Armed Transports, and other Vessels hired by Government, of which, as they are fitted by the Merchants, there are no Returns to the Admiralty.

Achilles - - -	18	Duncan	Manilla - - -	18	Robins
Berwick - - -	18	Prideaux	Minerva - - -	18	Bruere
Britannia - - -	20	Wilson	Prosperity - - -	18	Turner
Bountiful - - -	20	Tait	Provident - - -	18	Thorpe
Canceaux - - -	20	T. Schank	Pondicherry - - -	18	Grove
Cornwallis - - -	18	Archer	Porpoise - - -	18	Allen
Fortune - - -	16	Brown	Racker - - -	18	Thomson
Harriet - - -	20	Stephenson	Resolution - - -	16	Hussard
Merchant - - -	20	Oakley	Queen - - -	10	Sinclair
Mackworth - - -	20	Dönne	Satisfaction - - -	20	Barker
Lady Mackworth - - -	20	Ellis	Sally - - -	16	Jackson
Tortoise - - -	16	Serocold	Williams - - -	16	Cordery
Whitby - - -	18	Simpson	Yarmouth - - -	16	

There is no particular account of the small cutters, sloop sloops, or yachts, as they vary so much, nor of the schooners in America or the West Indies, which are hired and discharged as occasion requires.

Numb. V. *List of Ships in Ordinary on the 25th. of March, 1782.*

[This paper was laid on the table on the motion of Mr. Buller.]

Ships.	Guns.	Ports, laid up, &c.
† Achilles - - -	60	Portsmouth, as a hulk
* Albion - - -	74	In dock, repairing
Boyne - - -	70	Plymouth, for stores
* Elizabeth - - -	74	Portsmouth, repairing
* Egmont - - -	74	Plymouth, ditto
Essex - - -	64	Ordinary, Portsmouth
† Firme - - -	60	Ditto, ditto
* Grafton - - -	74	Portsmouth, repairing
* Hector - - -	74	Ditto
Kent - - -	74	Ordinary, Plymouth
† Modeste - - -	64	Prison-ship, Portsmouth-harbour
Neptune - - -	90	Ordinary, ditto
* Prince Edward - -	60	Repairing, Chatham
* Prince of Wales -	74	Ditto, ditto
† * Princess Amelia -	80	Ditto, Portsmouth
* Princess Royal - -	98	Ditto, Chatham
* Pegase - - -	74	Ditto, Portsmouth
* Royal William - -	80	Ditto, ditto
† * Ruby - - -	64	Ditto, ditto
* Suffolk - - -	74	Ditto, Plymouth
† St. Anne - - -	64	Ordinary, Plymouth
* Triumph - - -	74	Repairing, Chatham
* Trident - - -	64	Ditto, Portsmouth
† Temeraire - - -	74	Floating battery, Plymouth
* Vengeance - - -	74	Repairing, Portsmouth
† Antelope - - -	50	At Woolwich, a hulk
* Salisbury - - -	50	Repairing, Plymouth
† Launceston - - -	40	Ordinary, ditto
Amazon - - -	32	Plymouth, repairing
* Brune - - -	32	Woolwich, ditto
* Boreas - - -	28	Ditto, ditto
Clinton - - -	32	Ditto, ordinary
Delaware - - -	32	Deptford, repairing
Mars - - -	32	Chatham, ditto
Milford - - -	28	Portsmouth, ordinary
Niger - - -	32	Chatham, repairing
Providence - - -	32	Plymouth, ordinary

Raleigh

Ships.	Guns.	Ports, laid up, &c.
Raleigh - - -	38	Portsmouth ordinary
Sapphire - - -	30	Hulk at Sheerness
Thames - - -	32	Ordinary, ditto
Venus - - -	32	Repairing, ditto
* Camilla - - -	20	Ditto, ditto
† Galatea - - -	20	Ordinary, ditto
* Hound - - -	18	Repairing, Deptford
§ Ranger - - -	16	Ordinary, Sheerness
§ Sherborne - - -	16	Ordinary, Deptford
§ Cabot - - -	14	Ditto, Woolwich
Favourite - - -	16	Ditto, Portsmouth
Ætna bomb - - -	-	Ditto, ditto
Carcase ditto - - -	-	Ditto, ditto
Explosion fire-ship - - -	-	Ditto, Plymouth
Chatham yacht - - -	-	} At their respective ports, for use as occasion requires
Portsmouth ditto - - -	-	
Plymouth ditto - - -	-	
Augusta ditto - - -	-	Deptford, ordinary
Royal Charlotte ditto - - -	-	Repairing, ditto

* The ships with this mark have all been since brought forward, and are now in commission, or just paid off in consequence of the peace.

† With this mark are now abroad on foreign service.

† Thus, are condemned as unfit for any repair.

§ Thus, have been since sold.

February 24.

Mr. Duncombe.

Mr. *Duncombe* presented the Yorkshire petition, an immense volume of parchment, for a more equal representation of the people in Parliament. He said, that it was signed by ten thousand freeholders of the county of York; a number greater by 1700 than the petition contained, which was sent to that House a few years ago, praying for economy in the expenditure of the public money: over against the name of each of the petitioners was a column, containing the name of the freehold, in right of which each had signed the petition as a freeholder. He then launched into a panegyric of Mr. Pitt, who had undertaken to bring the state of representation before Parliament; and censured Lord North for having declared himself an enemy to reformation on that question; and said that it would be with reluctance that he should support an administration of which that noble Lord should form a part.

Mr.

Mr. *Burke* wished the honourable member had waited till that noble Lord had been present, before he attacked him for his sentiments on the question or measure which the petition was calculated to promote : the noble Lord had not, in fact, said that he was an enemy to reformation ; but he had said, that he was an enemy to any alteration in the constitution of this country. As to the support which the honourable member said he would reluctantly give to any administration of which the noble Lord should form a part, he would only say, that, in his opinion, it ought never to be given or withheld on account of men, but of measures : the honourable member, however, seemed to think differently ; for he was resolved to consider men, and not measures : now, for his own part, he would say, that, in general, it was with reluctance that government ought to be opposed, and that the measure should call forth support, even where the men were disliked ; and no government should ever have his support, whose measures should not be such as would make even the most reluctant give them the strongest support : such an administration, he hoped, would be the result of the arrangements now carrying on ; for the country stood in need of a strong administration, and a steady support.

Mr. *Duncombe* replied ; he said that he had not dropped a single expression of the noble Lord in his absence, which he would not have used if he had been present : he might have been incorrect in the choice of the word reluctance, with respect to supporting an administration of which the noble Lord should be a member ; he would therefore mend it, and say, that he never would give any support to such an administration ; and in thus speaking of that noble Lord, he wished to have it thought that it was the measure he had in view rather than the man : for from past measures he judged what the noble Lord was capable of ; and thence he concluded, that he would act in future as he had for the past ; and therefore, if he was an enemy to the man, it was on account of his measures, for the measures shew the man.

Mr. *W. Stanhope* expressed his surprise at seeing an honourable gentleman stand up the defender of a noble Lord, whom that very member had more than once declared to be a fit object for impeachment ; and against whom he once went so far as to say, that he had an impeachment ready drawn in his pocket. He next spoke of the petition, and said it was supported by the Lord Lieutenant of the county, and signed even by the Commander in Chief of his Majesty's forces in that district, who is a freeholder of the county.

The petition was brought up, read, and ordered to lie upon the table.

Sir Cha.
Turner.

Sir *Charles Turner* brought up a petition to the same effect from the corporation of the city of York. He said, that in the infirm state in which he then stood, nothing but a matter of such magnitude as was the subject of the petition could have brought him down to the House. The petition was of as astonishing a nature as a coalition, which had taken place in that House between two parties, that had been as opposite in their principles as could well have been conceived. The great and opulent gentlemen, inhabitants of York, had for centuries past been endeavouring to break the power of the corporation of that city, or at least to destroy the monopoly of franchises which the latter enjoyed to the exclusion of the former. The corporation had resisted them hitherto with success; but now on a sudden, feeling how partially the people were represented in Parliament, were desirous, by a strange turn or revolution of affairs, to abridge their own power, and admit a great number to a participation of their privileges: this revolution might be said to make the corporation *felo de se*: they were now come to Parliament to pray for that enlargement of franchise which they had so long resisted, during a contest which had almost ruined a great part of the gentry in and about York, among others, some of his own ancestors. The petition was read and laid upon the table.

Lord New-
haven.

Lord *Newhaven* informed the House, that certain events having lately taken place, he would defer the motion he intended to make this day, for copies of instructions sent to Sir Guy Carleton, for negotiating with Congress for peace between this country and America.

After this, a motion for adjourning till to-morrow was put and carried, though it was generally understood before the motion was made, that the House would adjourn for a week, in order to afford time for the necessary arrangements of the new administration.*

February 25.

The Secre-
tary at War.

The *Secretary at War* gave notice, that on Friday or Monday next, he would move that the remaining estimates of the
ex-

* After the division on the 21st, the kingdom continued for several weeks in a state of great disorder; no new administration was appointed, and the negotiations for power were, through the several conjunctions of parties, carried on with much violence and animosity.

extraordinaries of the army should be referred to the committee of supply.

The *Lord Advocate* said, he was going to make a motion, which he trusted the House would not think unnecessary or improper; it was, "that the House, at its rising, should adjourn to Friday next;" it was not unknown to gentlemen that arrangements were now making for a new administration; and it would be but proper that the House should adjourn over a few days, in order to afford time for completing the arrangements: he concluded by making the motion. The Lord Advocate.

Earl *Nugent* opposed it; he said, that a bill of the greatest importance relative to Ireland was to be referred to a committee of the whole House to-morrow, and gentlemen must see the impropriety of putting off a business affecting so materially so great a part of the empire, merely that ministerial arrangements might be made, when the bill had nothing to do with ministers; it was the great work of the people of England. Earl Nugent.

The *Lord Advocate* declared himself a friend to the adjournment for the very reason that moved the noble Lord to oppose it; the bill to which he alluded was of too great a magnitude to be agitated during what he might call a ministerial interregnum; it was a bill that ought to have the marked countenance and support of administration. The Lord Advocate.

Earl *Nugent* replied, that there was nothing farther from his wish than that the bill should be carried through Parliament by ministerial influence; nothing could do more honour to this nation, or give more satisfaction to Ireland, than that the bill should originate, and be carried through in a conviction in the minds of the people of England, that the bill was founded in justice, policy, and equity: the people of Ireland could have but little reason to deem the bill a security to their constitution, if they should be by any means led to think that it had been carried by the influence of administration, against the wishes of the people: nothing could satisfy the people of Ireland but the idea, that the people of England with one voice agreed to the passing of this bill, from a conviction that it was fit it should be passed, and without being biased in their judgment by ministerial influence; it was not upon floating administrations that stability could be founded; and therefore it was to the people of England, not to ministers, that Ireland appealed; and the people of England represented by that House, could alone give permanency to measures; they never could derive it from Earl Nugent.

the insecure tenor of ministerial influence ; ministers had nothing to do with the business ; the people were concerned, and their representatives in that House might therefore proceed with the bill without giving themselves any trouble about ministers ; he cared not who were, or who were not ministers ; he was under no obligation either to those who were in, or to those who, from report, he understood were likely to be their successors ; the bill concerned the nation ; and the representatives of the people, who were most intimately concerned in it, ought to proceed in their own business without waiting for ministerial arrangements ; for if they did, an idea might go forth, which ought to be crushed, that the bill was to be supported by the influence of administration.

General
Smith.

General *Smith* said, that very little had been done in the business of Sir Thomas Rumbold for the last fortnight ; he therefore wished that the House would not adjourn, but suffer the private business to be carried on. The House at last divided on the motion, when they appeared, for it 49, against it 37 ; majority for the adjournment 12.

Counsel were then called to the bar to be heard on Sir Thomas Rumbold's bill ; and after proceeding for some time in it, the House adjourned to Friday.

February 28.

The Secretary
at War.

The *Secretary at War* stated, that 1,300,000*l.* having been already voted on estimates for the extraordinaries of the army, there still remained 1,616,000*l.* to be voted ; so that the whole of the extraordinaries would amount to upwards of 2,900,000*l.* This, he said, was a considerable sum ; but he had the pleasure to inform the committee, that it was less by 800,000*l.* than the estimates for the same service for the year 1781 ; this was a saving to so prodigious an amount, that he was sure the committee must feel infinite satisfaction at the circumstance. He concluded by moving for 1,616,000*l.* The motion passed without any debate, and the House was immediately resumed.

Mr. Burke.

Mr. *Burke* then said, that in order to establish many facts, on the knowledge of which he had grounded his bill, for explaining the act relative to the regulation of the Pay-office, it would be necessary to order Mr. Bambridge of that office to attend the House : but this he would not do, unless he should be informed, that Government intended to object to the principle

ciple of the bill ; upon this point, therefore, he wished some person in office would give him some information.

The *Secretary at War* said, that he believed the principle would not be objected to ; but still there were parts in the bill, which in his opinion were objectionable, and which might be amended in the committee. The Secretary at War.

Mr. *Burke* being satisfied with this, moved, that an order should be made for the second reading of the bill on a future day. This business being concluded, Mr. Burke.

Lord *Maitland* observed, that a few days ago, when an adjournment for several days was moved, it was said, that such an adjournment would be very proper, that there might be time for forming arrangements, in consequence of the retreat of the First Lord of the Treasury from his Majesty's councils : if that noble Lord had withdrawn himself, or intended so to do, the House had a right to expect that some reason should be given why a successor had not yet been appointed : he saw then in his place the learned Lord who moved the adjournment ; he hoped, therefore, the learned Lord would give the House satisfaction on that head. Lord Maitland.

The *Lord Advocate*, notwithstanding this personal appeal, sat silent ; and Lord *Maitland*, not receiving any answer, proceeded no farther. The Lord Advocate.

The *Chancellor of the Exchequer* moved, that the House should resolve itself into a committee of ways and means, in which he moved, that a sum not exceeding one million sterling be raised on Exchequer bills, to be redeemed out of the first aids granted to his Majesty for the year 1784. The motion passed without any opposition. The House was then resumed, and the *Chancellor of the Exchequer* brought in his bill for abolishing certain sinecure and patent places in the customs, and for making compensation for those who might suffer by the abolition of such places. The bill was read for the first time. Mr. Pitt.

Mr. *Burke* observed upon it, that he would not speak directly to the merits of the bill in the present stage of it ; but this much he thought he was at liberty to say, that on the present view, he was no friend to the idea of reformation which this bill held out ; he was afraid that it would destroy those counterbalances, which every state ought to have within itself, against the preponderancy of any particular branch of government. Mr. Burke.

The *Chancellor of the Exchequer* expressed a wish that the debate, which would regularly take place on the second reading

ing of the bill might not be anticipated. An order was made that it should be printed; and another, that it should be read a second time on Monday fortnight.

He next informed the House that he had a subject to speak upon, which was of the greatest consequence; and on which he intended to ground a motion or two, to which, he believed, there could be no opposition: during the short time he had been in office, he had discovered that sums to a very great amount had been issued from the Exchequer to public accountants, for the expenditure of which, no account whatever had been given; and what was most surprising, some of these sums had been issued so far back as during the last war: it was possible that the vouchers for the expenditure of the greatest part of this money might be in being; it was possible they might not; at all events, it was proper that an account should be given to the public, to inform them how their money had been expended; previous, therefore, to any proceeding on this head, and in order to put the House in possession of the facts relating to it, he would move for accounts of all sums issued to public accountants for the last twenty-four years; and also for an account of the balances remaining in the hands of such accountants or their representatives.— Having moved for these papers, he sat down, and

Mr. Burke. Mr. Burke immediately rose, to ask whether these motions were intended to extend to such accountants as had made out their accounts?

Mr. Pitt. The *Chancellor of the Exchequer* said, that he had no other object in view, than to make those account, who hitherto had given in no account whatsoever; and he made no doubt but the House would be greatly surprised indeed, when they should hear that the sums for which not a single voucher had ever been produced, amounted to the enormous sum of fifty millions sterling!

Mr. Burke. Mr. Burke said, that this was truly a surprising piece of information; it was, however, some consolation to hear that there were fifty millions of money, for which the public had claims upon their accountants; he was, afraid, however, that such a sum was too immense to be recovered; it would be like the miraculous draught of fish, which was infinitely greater than the boats and fishermen could bear.

Mr. Pitt. The *Chancellor of the Exchequer* hoped that an idea would not go abroad, that he had said there were fifty millions due to the public: all he had said was, that such a sum had been issued from the Exchequer, and that no account whatever had ever

ever been given in there of the expenditure of it; perhaps the whole was fairly, justly, and honestly expended, and that vouchers might be produced to prove it; all he meant therefore for the present was, that the accountants should be made to produce their vouchers; and that such measures might be adopted, as to prevent accounts from being so long withheld in future. The motion passed without any farther conversation.

The Earl of *Surrey* rose next, in order to say a few words on a subject which greatly concerned the commerce of the nation at large. He understood that very large orders had been sent down to the great manufacturing towns, for goods to be embarked for America, and the London warehouses were full of them; but they could not be embarked, on account of certain prohibitory laws, which would make them liable to confiscation. A right honourable gentleman (Mr. Pitt) had promised, some time ago, to bring in a bill to repeal those laws; why he had not kept his promise, he was not able to guess; but if he should not now be informed that the right honourable gentleman would bring in his bill on Monday, he was of opinion that the House ought not to wait any longer, but order some other member to bring in such a bill; because, if it was any longer delayed, the American market might be forestalled from other countries, to the very great detriment of England.

The *Chancellor of the Exchequer* assured the noble Lord that he had the matter to which he alluded, as near at heart as any man; and that he believed no man could have it too near his heart: the bill of which the noble Lord had spoken, was drawn up, and had been laid before the law officers of the Crown, to be revised by them; and he believed there was not a doubt but he should be able to bring it in on Monday next.

The *Solicitor General* confirmed what Mr. Pitt had said relative to the bill; it had been put in his hands, and into those of the Attorney General for their perusal; and was drawn up so as to open the commerce of America, and set it upon the best possible footing: the bill, however, was to be only for a time, until a proper commercial and permanent system could be established.

Lord *Beauchamp* said there was another point of very great importance, which required the immediate attention of government: the produce of the three islands of St Kitt's, St. Vincent's, and Dominica, was now upon the footing of the produce

produce of all foreign countries, with respect to the duties payable at our custom-houses: but as these islands were now to be restored to us by the peace, it was but just, that the planters should be on the same footing, with those of Jamaica, or the other British islands; and that their sugars, &c. should be subject to such duties only, as were imposed on the same commodities from Jamaica: if government should think with him on this subject, ministers could not be too expeditious in taking measures accordingly, as vessels from these islands, were probably now, or soon would be on their way to England.

Mr. Pitt.

The *Chancellor of the Exchequer* agreed entirely with the noble Lord on the propriety of placing the produce of the three islands he had mentioned, with that of Jamaica; and government would therefore propose the proper measures for that end. Here ended the various conversations of the day, which were concluded by a motion of the Lord Advocate, for calling in the counsel for and against Sir Thomas Rumbold's bill.

March 3.

Secretary at War.

The *Secretary at War* moved that estimates for the ordinary expences of the army, should be referred to a committee of supply.

Mr. D. Hartley.

Mr. D. Hartley said he would oppose the motion, as far as it related to the estimates of the German troops; for he found that though the estimates for the rest of the land forces were for no more than one hundred and twenty-one days pay, to which he had not the least objection, yet those for the Germans were for a whole year: this he would therefore oppose, because he was apprehensive that America would be alarmed, and begin to entertain suspicions, that England intended to-renew the war, by keeping the Germans in pay for so much longer time than was necessary. From the treaty with the Prince of Hesse, he understood that his troops were to be paid by England, till they shall have entered the frontiers of his dominions, and for one month after; now, he was of opinion, that it would be very sufficient for Parliament to vote them pay for six months, and not for the whole year; by which means all ground of jealousy on the part of America would be removed. No member spoke in reply to Mr. Hartley; the question was immediately put, and the House divided, merely because Mr. Hartley insisted that he would take the sense of the House.

House. Ayes, 185; noes, 10. Majority for referring the German estimates, as well as the others to the Committee, 175.

The House then went into a Committee of Supply, Mr. Ord in the chair, and

The *Secretary at War* stated the different descriptions of *Secretary at War* corps in the army, and the sums necessary for their subsistence for 121 days; but stating the whole year's pay for the Germans, dating for the whole army, from the 24th of December last. He said the number of men voted for the land service last year, amounted to 186,220; but as the independent companies, which had been ordered to be raised in 1780, had not been completed, they had been taken off the establishment, by which reduction there would be fewer men by nine or ten thousand to provide for this year, than there were last year; but as four regiments had been lent by Ireland to England, and which were put on the English establishment, the saving would be for the present year of the pay of between five and six thousand men. He concluded by moving, that the following sums be granted for the following services.

456,904l. 19s. 9d. for guards and garrisons.

310,623l. 16s. 6d. for troops in the plantations.

15,961l. 17s. 2d. to defray the expence of British staff for one hundred and twenty-one days.

15,074l. 10s. for one hundred and twenty-one days pay to the King's troops serving in the East Indies.

The pay of these last troops is by act of Parliament to be reimbursed to the public by the Company.

165,418l. 10s. ditto for militia, and four fencible regiments in North Britain.

41,140l. 16s. 2d. ditto for the four regiments from Ireland.

25,126l. 3s. 1d. ditto for provincial corps in North America.

96,719l. 7s. 11d. for Chelsea College.

28,017l. 11s. 0½ for the Hanoverians in garrison at Gibraltar.

367,203l. 9s. 10d. for the Hessians.

65,152l. 12s. 8½d. for the troops of Hanau.

36,747l. ditto of Brunswick.

1,749l. 11s. 3d. ditto of Waldeck.

51,501l. 19s. 3d. ditto of Brandenburg.

23,818l. 14s. 2½d. ditto Anhalt Delft.

Total for foreign troops, 647,146l. 1s. 3d.

VOL. IX.

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A conversation took place with respect to the provincial corps in North America, which the Secretary at War said were to be put on the establishment. This did not meet the approbation of Sir P. J. Clerke, because the officers in these corps, he said, would thus become entitled to rank in the army, and to half pay.

Mr. Secretary Townshend.

Mr. Secretary *Townshend* said, that it was but just that those men should have half pay who had fought our battles, and risked life and fortune for us in the present war. There were only three of these corps; Colonel Tarleton's, Colonel Simcoe's, and Colonel Fanning's; the last of these gentlemen had served since the year 1757, at the head of four different regiments.

General Smith.

General *Smith* saw one inconvenience in the business; for he thought Colonel Humberstone's and Colonel Fullerton's regiments now serving in India, were equally entitled to the establishment; and that therefore all or none ought to be put upon it.

Mr. David Hartley.

Mr. *David Hartley* spoke again about the Germans, and said, that he believed he should move for an address to the King to withdraw the troops from New York, as there was not now any administration in the country to pledge themselves that they should soon be withdrawn, and new ministers might be inclined to renew the war.

Mr. Sec. Townshend.

Mr. *Secretary Townshend* hoped the honourable member would do no such thing; for as it would be impossible to tell precisely at what time it would be convenient to withdraw the troops, they certainly would be withdrawn as soon as possible; and from the moment the Preliminaries were signed, he took the necessary measures for preparing the way for the return of the troops; but when gentlemen recollected what an immense quantity of tonnage of shipping it would require to bring home so large an army, artillery, stores, &c. and the Loyalists and their families, they would see how difficult it was to say when New York could be evacuated.

Mr. Pitt.

The *Chancellor of the Exchequer* said, that there was no other desire in his breast, than that it should be evacuated as soon as possible; but in the situation in which he and his honourable friend (Mr. T. Townshend) then stood, gentlemen must see that they could not pledge themselves for the time when the troops should be withdrawn.

Mr. Sheridan.

Mr. *Sheridan* observed, that the evacuation of that place must, he presumed, be the work of time; for he supposed the troops were not to be withdrawn, until America should

have

have fulfilled the conditions relative to the Loyalists, viz. that prosecutions should cease, and such Loyalists as were in confinement should be released after the signing of the treaty, which he supposed meant the definitive treaty. He said he could venture to declare for those who might be thought likely to come into office, that they had not the most distant idea of renewing the war in America. The resolutions were all agreed to, and the House was resumed; when

The Chancellor of the Exchequer presented a bill for making provisional regulations for opening an intercourse with America.

The bill was read once, and the House adjourned.

March 4.

Mr. Orde brought up the report from the committee of Mr. Orde. supply on the army estimates. On the second reading of the resolutions, a conversation took place relative to the American provincial corps.

Sir P. J. Clarke expressed dissatisfaction at the idea of putting them on the establishment, which would of course not only give them half-pay, but rank in the army, to the prejudice of so many of our own officers who had deserved well of the public; so that some of the provincial officers would soon be promoted to the staff over the heads of many Colonels, and we might possibly soon hear of a Major-general Simcoe, though at present that gentleman has no rank in England.

The Secretary at War was surprised that any opposition to the placing of the provincial regiments should be made, by those who had always argued that they ought to have been put upon the establishment; because, until that event should take place, they could not be said to be known to Parliament. These troops, once on the establishment, the officers would of course become entitled to rank and half-pay; and as the nation would be under the necessity of making a provision for these gallant Loyalists, he thought half-pay much more decent, and much more eligible than a pension. As to the idea of Colonel Simcoe being made a Major-general, he believed that when such an event should take place, the army would not be displeased at it; for a better Major-general, a more deserving officer, or a better man, he did not believe was in the service.

Mr. Hufsey. *Mr. Hufsey* had only one objection to their being entitled to rank; it was this, there were some regiments raised under the express condition that the officers should not have rank or half-pay, after their corps should be disbanded. He desired therefore to be informed, whether the placing of the provincial corps on the establishment was to be made a precedent for doing the same with the regiments to which he had alluded, contrary to the conditions under which they had been raised?

The Secretary at War. *The Secretary at War* said, there was no intention whatever to place the latter on the establishment; the conditions under which they were raised would be a bar to the precedent.

General Smith. *General Smith* did not object to the half-pay, but solely to rank being given to the provincial regiments; unless it should be said, that when they were raised it was stipulated that they should have rank.

The Secretary at War. *The Secretary at War* said, that they had always laid claim to rank, and looked for it.

Mr. Geo. Onslow. *Mr. George Onslow* opposed the rank, and moved that the resolution relative to the provincial regiments should be re-committed.

Sir Cecil Wray. *Sir Cecil Wray* seconded the motion, and expressed surprise that so extraordinary a favour as rank should be conferred on the Loyalists.

Mr. Hufsey. *Mr. Hufsey* was shocked that inconsistency should so far find its way into that House, as that gentlemen should on one day complain that too little had been done for the Loyalists, and on another find fault that too much was done for them.

The House divided at last on the motion for re-committing the resolution: Ayes 37; noes 76. Majority against re-committing, and consequently for giving rank to the provincial corps, 39.

Mr. David Hartley. The resolution for voting the pay of the foreign troops for a year was read twice, and opposed again by *Mr. David Hartley*, on precisely the same grounds on which he opposed it yesterday; and in order that he might have an opportunity to vote the pay to the 30th of September, or 31st of October, he moved that the resolution be re-committed.

Sir Cecil Wray. *Sir Cecil Wray* seconded the motion, which he said was the more necessary as he had heard it said yesterday, that the troops were to be kept at New York till the conditions of the Provisional Treaty should have been fulfilled; or, in other

other words, to enforce those conditions. This, he said, would produce a new war; for he was convinced that America would not proceed to fulfil these conditions, while we had an army in America.

The *Chancellor of the Exchequer* replied, that whatever the honourable member might have heard yesterday, he had not heard him (Mr. Pitt), or any other person on his side the House, say that the troops were to be kept in America for any hostile purpose. He was sure that those who were at present in office did not entertain any such idea, and he believed it was exploded by every man in every part of the House. But it was impossible to tell by what precise time the army could be recalled; it was enough to assure the House, that not a moment's unnecessary delay would be used in bringing them home. The uncertainty when that event should take place, was the only reason for moving for the whole year's pay; and this mode appeared to him the more eligible, as it would prevent any sum from being carried over to the extraordinaries of next year, which would have been the case, if only six months pay, for instance, had been voted; for if the German troops should not reach home till after the expiration of eight or nine months, then the Crown would have been obliged to provide for them the extra time, and would of course call upon Parliament in the next session to be reimbursed, under the head of Extraordinary Services not provided for by Parliament. He wished that every thing should, as far as it was possible, be voted on estimate; and that the executive power should have as little opportunity as could be to spend the public money, without the previous knowledge and sanction of Parliament; and so much had he this subject at heart, that had the war gone on, and he had remained in office, it was his intention to have brought almost every part of the service into an estimate, so as to provide at once for ordinaries and extraordinaries.

Lord North was sure that there was not a man in the House who could have the most distant idea of employing the troops in America on any hostile purpose. The war was at an end, and therefore these troops could have no farther employment there. They must be brought home, and that too as speedily as possible. With respect to the resolution, gentlemen would recollect that it was not for voting a sum of money to the Prince of Hesse, but to the Crown, who would pay to the Prince all that he should be entitled,

entitled to under the treaty; and the overplus would, no doubt, be accounted for to Parliament.

Colonel
Hartley.

Colonel *Hartley* said, it did not look as if Ministers intended to bring home the troops, or Government would not be every day paying off transports, as had been the case for some time past, instead of hiring more.

Mr. Brett.

Mr. *Brett* replied, that no transports had been paid off, but such as had been found unserviceable.

The question was put on the motion for recommitting the resolution, and it passed in the negative without a division. The resolutions of the report were then all agreed to by the House.

The Lord
Advocate.

The *Lord Advocate* said, that on account of the circuit, the counsel for the bill against Sir Thomas Rumbold could not attend after this day for some time, and therefore moved, that the further hearing on the said bill be adjourned to the 31st of March.

Mr. Baker.

Mr. *Baker* desired to know if the learned Lord was serious in his intention to carry the business on so speedily, as that the Lords might have an opportunity to go through with it, before the end of the session.

The Lord
Advocate.

The *Lord Advocate* was hurt at a question that seemed to insinuate that he was not serious; he declared he had been serious from the beginning; was still serious, and would continue so till he should have brought the business to a conclusion, without the smallest unnecessary delay. A conversation of about ten minutes ensued, in which it was agreed that the motion for the adjournment should pass. The House having nothing more to do, adjourned till to-morrow.

March 5.

The order of the day for going into a committee on the bill for securing to Ireland the exclusive right of legislature and judicature, was called for, and read.

Mr. Perci-
val.

Mr. *Percival* said, that, before the Speaker left the chair, he would just take the opportunity to say, that as the clause which he had a few days ago expressed his intention to have inserted in the bill, for securing to Ireland criminal as well as civil judicature, did not appear to meet the general concurrence of the House, he did not mean to press it, because he wished that nothing should be proposed which should not pass unanimously.

Lord New-
haven.

Lord *Newhaven*, however, thought the clause necessary, and therefore he moved, that it be an instruction to the committee,

mittee, that they have power to receive a clause, that no treasons, misprision of treasons, or other offences, committed, or to be committed, in Ireland, shall be enquired of, heard, or determined, within this realm. His Lordship at the same time, was sorry that the bill was thus brought forward at a time when there was no government in this country; it might have been delayed a few days, until a government should have been formed; as it was not so very proper to bring on so important a business at a crisis so very extraordinary.

Earl *Nugent* opposed the motion: he said, there was more difficulty in the case than the noble Lord was possibly aware of; for as the 35th of Henry VIII. was the act under which this country claimed to try persons in England for treasons, &c. committed in Ireland, that claim was supported by an Irish act of Parliament, which passed about seven years after, and which recited verbatim the 35th of Henry VIII. enacting, that it should be accepted as a statute of the realm of Ireland: now the clause proposed by the noble Lord could not place Ireland out of the operation of the 35th of Henry VIII. without repealing an Irish statute, which he knew the noble Lord would not attempt to do in that House.

Mr. *Herbert*, in corroboration of what Lord Nugent had said of the existence of an Irish act adopting the 35th of Henry VIII. as an Irish law, read the law itself from a paper which he held in his hand.

Mr. *W. Grenville* said, it was impossible for him to give any opposition to a clause, which had for object to secure to Ireland an exclusive judicature; but still he would wish the noble Lord would withdraw his motion; for though he would not oppose it, if it should be urged, still he did not think it necessary: the Irish statute that had been read, stated in the preamble, that doubts had arisen whether the 35th of Henry VIII. extended to Ireland; this shewed that the claim of Ireland to an independent legislature was not new; and the adopting of an English statute by an Irish act, was a plain proof that Ireland did not at that time think herself bound by English acts. Ireland had lately asserted her claim to the rights of a distinct and independent kingdom, independent, at least, on any legislature but her own; this claim had been admitted by England; and having a supreme judicature of her own, the criminal jurisdiction was necessarily annexed to it.

Mr.

Mr. Percival.

Mr. *Percival* said, that though he had declined making the motion he had promised, and which had since been made by the noble Lord, he had heard nothing to convince him, that the motion was either improper or unnecessary: the Irish act, quoted on this occasion, made nothing against it; for that act went no farther than to adopt the 35th of Henry VIII. Now it was well known, that long before the 35th of that King, many persons had been brought to England from Ireland, and tried and punished in the former, for crimes committed in the latter. Therefore as the claims of England on this head, were long antecedent to the 35th of Henry VIII. so she might still keep them up, unless those claims should be destroyed by a specific act, or clause.

Mr. Eden.

Mr. *Eden* did not mean to give any opposition to the principle or spirit of the bill; but certainly there was room for objecting to the wording of a clause, which declared that the right of deciding in appeal from Ireland, had never been in this kingdom, but had always been in Ireland: this was a declaration not founded in fact; for England had enjoyed this right undisturbed for ages.

Lord Newhaven.

Lord *Newhaven* said he would not press his motion upon the House for the present; but he begged it might be understood that as he was not convinced that his motion was improper, so he did not mean that by withdrawing it, he should be precluded from taking up, at some future period, the business of the criminal jurisdiction.

The House then went into a committee on the bill, Mr. Nevil in the chair. Some alterations were proposed in the wording of the bill; and no objection was given to any clause.

Lord Beauchamp.

Lord *Beauchamp* said, there was one word which struck him as improper: in speaking of the rights of Ireland, the bill made use of the words establish and enact: now, as in his opinion it was the duty of the Parliament of Ireland to establish her rights, so it was the peculiar duty of the English Parliament to recognize them; he would therefore move to leave out the word establish, and substitute in its stead the word recognize; but if the amendment should not meet the sense of the House, he would not press it. He could not, however, refrain from expressing his surprise, that a bill of so great importance should be brought on, when the country was entirely without a government; he asked, if it was brought on now, from a prospect of the impossibility of forming

forming an administration, or if this country was to be for ever without a Ministry?

Mr. *W. Grenville* replied, that the wording of the bill had been very carefully attended to; that it had been communicated to persons of the greatest weight in Ireland, who were advocates for a more explicit renunciation of the claims of England over Ireland, than they conceived to be contained in the act of last year; and these persons had declared themselves fully satisfied with the wording of the present bill. Mr. W. Grenville.

Lord *Beauchamp* withdrew his motion; but when the chairman had read a little farther on, and had come to a part where England renounces for the future, &c. he proposed another amendment, as more expressive and secure, namely, to leave out the words the future, and instead of them, the word ever. This amendment was agreed to without opposition; and the different blanks having been filled up, the chairman left the chair. Lord Beauchamp.

A petition of the United Company of Merchants of England trading to the East Indies being offered to be presented to the House by Sir Henry Fletcher:

The *Chancellor of the Exchequer* (by his Majesty's command) acquainted the House, that his Majesty, having been informed of the contents of the said petition, recommended it to the consideration of the House. Mr. Pitt.

Then the said petition was brought up, and read; setting forth, that the petitioners were incorporated by charter, made for a valuable consideration, whereby the whole, sole, and exclusive trade to, in, and from the East Indies was granted to the petitioners, with other rights and privileges, which have been confirmed by divers acts of Parliament; and that, under the authority of the charters granted to the petitioners, and the faith of acts of Parliament confirming the same, the petitioners raised a very large sum of money by way of capital, and have carried on the trade to, in, and from the East Indies for above eighty years, to the very great emolument and advantage of this country; and that, till the year 1745, the petitioners were considered in India merely in the character of traders enjoying such settlements or factories and privileges of trade as were from time to time granted to them by the princes of India, without having any military force, or expences of the kind, more than were necessary for the defence of the petitioners settlements and factories against a sudden attack of the natives; and that the petitioners would probably have continued in the same condition of traders to

the present time, had the Company not been involved in the war between France and England in the year 1745, when a Squadron of English ships was sent to India by Government to annoy the French trade; several French prizes were taken at sea by this Squadron, and an intention was formed of attacking the French by land on the Coast of Coromandel, but the then Nabob of the Carnatic required the President and Council of Madras to stop hostilities against the French within his dominions, threatening, that, if the English Squadron should venture to act contrary to his orders, the town of Madras should atone for the disobedience; and the Nabob enjoined the French to the like line of conduct towards the English; and that the President and Council of Madras prevailed on the English commander (Commodore Barnet) to desist from hostilities by land; but, when a French force arrived in India, the Nabob departed from his resolution, and permitted the French, without any resistance on his part, to capture Madras, and the Company sustained a very heavy loss in this capture, besides the expences of the war, which was wholly European; and that, at the peace in 1749, the settlement of Madras was restored, nevertheless the French continued their hostilities upon the Coast of Coromandel, in the character of auxiliaries or allies to some of the country powers, but with an evident ambitious view of acquiring territory, and injuring the petitioners in their trade; and that the petitioners, in their own defence, were under a necessity of giving support to those native princes who were friendly to their interests; and these contests were continued at a very heavy expence till the territories were obtained in the year 1765, and in this space of time the Company had the additional misfortune of another European war which spread into the East Indies from about the year 1756 to 1763, and very greatly increased their expences, amongst which there are now three very large debts owing to the petitioners, one of 260,687*l.* for the maintenance of French prisoners, another for hospital expences for his Majesty's troops at Bengal, Bombay, and Madras, amounting to 21,447*l.* and the third of 139,877*l.* remaining unpaid, for the Company's expences in the capture of Manilla, undertaken by the express orders of his late Majesty King George the Second; and that the petitioners troubles were not confined to the Coast of Coromandel, but extended to Bengal: in 1756 the settlement of Fort William in Bengal, was taken from the petitioners by Sujrajah Dowlah, and although it was afterwards re-taken,

hostilities

hostilities in various shapes, and under different circumstances, were continued with little intermission, until, by the treaties concluded in August, 1765, the duannies of Bengal, Bahar, and Orissa, and the five Northern Circars, were granted to the petitioners; and that the expences sustained by the petitioners from their trading stock in England, on account of the hostilities in India, which ended in the cession of territories as above-mentioned, together with the expences occasioned by the European wars, amounted to upwards of 5069,000*l.* sterling; and the petitioners beg leave to submit to the House, that in respect to so much of this expenditure as related to European wars, the petitioners should have been indemnified by Government; and as to so much as respected the mere Indian wars, which produced the cession of territories and revenues, the petitioners conceive it must be allowed, that if the Company in obtaining the revenues, acted as agents to the State, they ought to be reimbursed their expences as agents, and that the State ought not to avail itself of the benefit of the acquisition, without first making a satisfaction for the expences; but his Majesty's Ministers, on behalf of the public, having soon after the said acquisition laid claim to the said territories for the use of the public, (a claim which the petitioners resisted) a treaty took place thereon; and, under a mistaken idea of immense riches expected to flow into the petitioners' treasury in England from the revenues in India, an agreement was made by way of trial, and twice renewed, to suspend the determination of the claim, the petitioners during this suspension paying 400,000*l.* a-year to the use of the public; under those arrangements the Company, made sundry payments to the public, down to the 5th of July, 1772, to the amount of 2,169,398*l.* 18*s.* 2½*d.* and thereby incurred debts in England to a large amount, and were drove to such distress as to be obliged to apply to Parliament for relief, upon which occasion a loan was made to the petitioners by the public, which was afterwards repaid with interest; and that, although the public reaped such great advantage as herein before is mentioned from the said territories, besides a very great increase in the duties of customs and excise, which, on an average of fifteen years immediately preceding the acquisition of the Duannec, produced no more than 14,940,659*l.* and in the fifteen years immediately succeeding amounted to 19,889,673*l.* the petitioners have received no other advantage therefrom than the sum of 1,453,000*l.* which was appropriated to reduce their bond

debt from 2,898,124l. 10s. down to 1,497,000l. and that, after deducting the said sum of 1,453,000l. received by the petitioners out of the said territories and revenues as aforesaid, from the said 5,069,000l. disbursements on account of the wars and troubles in India, the petitioners are now in disburse on that account to the amount of 3,616,000l. besides interest on such disburse to a very large amount; and that the loan made by Government being re-paid, and the Company's bond debt reduced as aforesaid, his Majesty's Ministers resumed their claim of a participation in the said territories and revenues, and in the beginning of the year 1781 demanded the immediate payment of 600,000l. as a share of three-fourths of past profits; and that the petitioners strongly remonstrated against the very severe terms insisted upon on the part of Government as hard and oppressive, and made various propositions to mitigate the severity of the terms; at length the petitioners were induced to agree to pay the public 400,000l. in full of past profits up to the 1st of March, 1781, and from that time to pay the public three-fourth parts of all their profits in England beyond a dividend of 8l. per cent. to the proprietors, and to take upon themselves the payment of sundry naval and military expences, which at all times before had been borne by Government, and even during the last war sundry payments were made by Government to the petitioners, pursuant to acts of Parliament, in lieu of troops withdrawn from India; and that objections were made to this agreement on the part of the petitioners, from an apprehension of the inability of the petitioners to sustain it, and subsequent events have but too fully evinced, that such apprehension was just, for the petitioners having paid 300,000l. in part of the said sum of 400,000l. have not been able to pay the remaining 100,000l. nor have they been able to pay the whole of the customs which have become due to his Majesty; but, pursuant to an act made last session of Parliament for that purpose, the said sum of 100,000l. and 396,466l. due for customs, have been postponed to the 1st of April, 1783, and the petitioners have also been obliged to postpone many of their commercial debts; upon the whole, the terms of the said agreement, carried into execution by an act of the 21st of his present Majesty, appear to the petitioners so contrary to their just expectations, and the terms in other respects so hard, that the petitioners hope the House, upon mature consideration of the various parts thereof, with the petitioners observations thereon, and proposals for vary-

ing

ing the same, will be pleased to grant the petitioners relief therein; for which purpose the petitioners now beg leave to submit the same to the House, in the order in which they arise upon the said act of Parliament: First, the agreement and act compel the petitioners to pay the public 400,000*l.* in full for past profits, up to the 1st of March, 1781, in part whereof there has been already paid 300,000*l.* and the remaining 100,000*l.* is only postponed to the 1st of April, 1783: Second, all the petitioners profits in England, beyond a dividend of 8*l.* per cent. to the proprietors, are to be divided between the public and the petitioners in the proportion of three-fourths to the public, and one-fourth to the petitioners; and, according to the letter of the said act, this profit may be computed on the accounts of a single year, without providing for the reimbursement of any loss sustained in the preceding year; the whole of which is, by this mode of computation, thrown upon the petitioners; and that this appropriation of profits, for the time past and to come, arises from an idea of the public being entitled, independent of the petitioners, to the territorial revenues in India: the petitioners do not acquiesce in this claim, however they do not think it incumbent upon them at this time to enter into a discussion of it, and the question, to which the petitioners intreat the attention of the House, is under what condition justice can require a participation from the Company? The petitioners rely, that the most strenuous asserter of the claim of the public (much more those who will give a liberal consideration to the subject) must allow that the Indian revenues, or any part thereof, ought not to be wrested from the petitioners without a reimbursement of the expences of acquisition, to which the petitioners must add, that the situation of their affairs, distressed at home, and loaded with debt abroad, requires such a reimbursement, or an adequate recompence in lieu thereof; the bond debt which the petitioners now owe in a great measure arose from their military expences in India, or has been necessarily continued on that account, independent of these expences, the petitioners ordinary mercantile profits would have enabled them to have extinguished the whole of their bond debt long before the territories were acquired; and that the petitioners necessities, arising from the want of being reimbursed a principal of above three millions and an half, and an interest increasing on such principal to a much greater amount, it is conceived will justify hopes of receiving

receiving effectual aid from the public, whilst these disbursements remain unpaid to the petitioners, they must conceive they are within the bounds of moderation in thinking that the payments of 2,169,000*l.* and 300,000*l.* for the use of the public, were made under mistaken ideas of the petitioners pecuniary abilities, and they confidently hope and trust, that so much thereof will now be returned as may enable them to carry on their affairs, at least that the 300,000*l.* so lately advanced when the petitioners were utterly unable to spare it, may be returned in part of the reimbursement of their expences in acquiring the territories, and that the petitioners may be released from the 100,000*l.* which remains unpaid; and the petitioners beg leave to inform the House, that the sum which they will want to carry on their affairs only to the 1st of March, 1784, upon the most correct calculation they have been able to make, allowing for the safe arrival of all their expected ships within that period, will be about 900,000*l.* without paying the said 100,000*l.* but what farther supply the demands upon the petitioners, subsequent to that period, may require, they are not at present able to ascertain, nor will the House be surprized at the pecuniary difficulties in which the petitioners are involved, when they are informed, that, in addition to the expences and other losses necessarily attendant on a state of hostility, the encreased charge of the petitioners in the article of shipping alone, during an European war, exceeds the annual sum of 500,000*l.* and if, upon mature consideration, it shall not be seen fit for the public to return the money received from the petitioners as aforesaid, or any part thereof, it will be necessary that some other means of relief should be given to the petitioners; in this case, and in order to provide for all events without reducing the dividend, which must affect the petitioners credit, and consequently the interests of the state of their commerce, the petitioners would propose to the House, that they should be permitted to increase their bond debt, as their occasions may require, to any sum not exceeding their former bond debt, and to repay the same from their subsequent profits before any participation takes place, which increase of debt, as the law now stands, cannot be made, preserving the very moderate dividend at present paid on their stock; and that, although the petitioners trust, that a recompence will be made to them for their disbursements in acquiring the territories, they do not wish to apply the same in dividends beyond 8*l.* per cent:

as long as they shall owe money upon bond exceeding 1,500,000l. nor after that time to increase their dividend beyond the rate mentioned in the said act of the 21st of his present Majesty until the present bond debt shall be wholly discharged; and that the petitioners farther hope that the House will not only see proper to vary the subsisting agreement, but that the term of the agreement will be extended, so short a term as ten years (whereof two years are now expired) is injurious to public credit, in promoting speculations upon what may be the terms of new agreements, and the affairs of the petitioners, by means of short terms, are kept in a continued state of agitation; on the part of the public, the petitioners conceive a long term cannot be objected to, as the public cannot possibly ever require to be paid a greater share than three-fourths of the profits of the territories; and the petitioners farther beg leave to submit to the House, that the clause of the said act of the 21st, of his present Majesty, which directs the payment of the three-fourths of profits appropriated to the public shall be made on the 1st day of May in every year, should be varied; the September sale, when the petitioners sales are regular, is always the largest, and it frequently happens, in the ordinary course of the Company's affairs, independent of any uncommon or unforeseen expences, that the petitioners are obliged to borrow money in the summer half-year to pay duties, or for other purposes, therefore the payment to Government of the public's share of profits being fixed to be made on the 1st of May, is very inconvenient: two remedies may be applied, — the first (and which appears to be the most eligible) is, out of the surplus profits to raise a joint fund, to remain by way of stock, not to be divided till the end of the term of participation; the other is, to give liberty to the Lords of the Treasury to allow such time for the payment of the public's share of profits as the Company's affairs may appear to require; the third observation which arises on the said act of the 21st of his present Majesty is, on the clauses which oblige the petitioners to pay two lacks of rupees for each regiment of soldiers belonging to his Majesty employed in the East Indies, to victual the King's ships in India, and to supply naval and military stores; these were always considered by the petitioners as insupportable burthens, and time confirms this apprehension; and that these expences, till the said act of the 21st of his present Majesty, have always been borne by Government,

vernment, and, it is submitted, ought to continue to be paid; the same reason which makes it incumbent upon Government to protect the rest of the British dominions, they holds in respect to the East Indies; the India trade brings an immense revenue to Government from the customs and excise upon the imports; besides great benefits to this country from the large exports of its produce and manufactures; in these respects, independent of participation, the public are much more interested than the proprietors of stock; if these expences are to be continued as a burthen upon the petitioners, they will very materially affect both the public and the Company; those who framed these clauses, supposed that the payment would be no burthen upon the Company in England, because they were to be made out of the produce of the revenues in India; but this will be found to be a very mistaken notion, for it now clearly appears, that if these payments are made in India, there will be nothing left for investments to England, nor will the revenues, even without any investment, be sufficient to pay these and the other enormous military expences in India; if the investments fail from this cause, the duties payable to Government in England will proportionably be diminished, and there can be no fund for participation; on the contrary, the petitioners will yearly be brought in debt by their trade, for bills will be drawn to pay for such investments as shall be made, in order to avoid sending home unloaded ships upon demurrage, and will encourage smuggling, which is highly injurious to the public and the Company; and that in respect to victualling the ships in India, the petitioners conceive, that the words of the act most clearly shew that the provision relates only to such victualling as the East Indies produce, and this was fully expressed to be the intention of his Majesty's Ministers, yet the commissioners for victualling his Majesty's navy have required the Company to send out victualling from England, and opinions of counsel have been taken on both sides of the question, which may probably end in a suit at law, if the petitioners are not relieved by Parliament; and that in regard to the naval and military stores, the quantity of them is such as very greatly increases the petitioners expences of freight and demurrage, which are wholly a charge upon their cash in England; the complicated mode in which they are to be provided and paid for, is highly exceptionable, and may be injurious to the Company in paying for them, for although
a mode

a mode of reimbursement is fixed, the Company, at a certainty, is to remain in advance for a part of the disburse, which the state of their treasury may not be able to bear; the petitioners therefore hope, that the House will consent to a repeal of the clauses in the act respecting naval and military stores; and the petitioners must also crave the House to take into consideration the supply of salt petre, and consent to a variation of the law relating thereto; and that the Company by their charter are obliged to supply Government annually with 500 tons of salt petre, if demanded; the charter stipulated that this supply should be made by the Company at prime cost, without charging any profit; but by an act made in the first year of the reign of Queen Anne, it was enacted, that such salt petre should be paid for at the rate of 45l. per ton in time of peace, and 53l. per ton in time of war; these prices, at the time the act was made, were computed to be about the amount of prime cost, including freight, losses, and charges, but for many years past, on account of the increase of freights, and other circumstances of expence, they have been greatly inadequate to the prime cost and charges, and are likely to continue so; wherefore the petitioners hope, that the House will vary the said act, either by directing the payment to be made upon a new computation of prime costs and charges, or according to the prime costs, charges, and losses, upon an account to be from time to time made up thereof, and, as Government for a long time past have demanded a much larger supply of salt petre than 500 tons a-year, provision should be made for the payment of any surplus supply at the same rate at which salt petre was sold at the petitioners sale next preceding such surplus supply; and the petitioners further beg leave to state to the House, that there now remains due to them for salt petre from the office of ordnance, the sum of 80,008l. 15s. 3d. which the master of the ordnance, and the other officers of that board, do not think themselves authorized to pay, although the same was included and voted in the supplies of the year 1781: upon the whole, the petitioners intreat the House to take their case into consideration; and trusting and confiding in the wisdom and justice of the House, the petitioners most humbly pray that so much of the said several sums so disbursed by the petitioners, as shall be necessary to relieve the petitioners from their present distress, may be re-paid to the petitioners, at least, that the said sum of 300,000l. so lately

ly advanced when the petitioners were utterly unable to spare it, may be returned, and that the petitioners may be released from the said sum of 100,000*l.* which remains unpaid as aforesaid, and that the petitioners may be paid the said debts due to them for French prisoners, hospital expences, and the charges of the expedition to Manilla, and that provision may be made for raising money from time to time, not exceeding 1,500,000*l.* in such manner as to the House shall seem meet, to enable the petitioners to carry on their affairs without prejudice to the dividend of 8*l.* per cent. and that the money so raised may be re-paid out of future profits in preference to a participation, and that provision may be made for raising a fund to carry on the petitioners affairs, or time allowed for payment of the public's share of profits, till the petitioners are enabled to pay such profits without borrowing money for that purpose, or for the ordinary currency of their affairs, and, that in case of a deficiency in any year's account, the same may be carried forward in the account of next year, in like manner as was directed by an act of the last session; and that the petitioners may be relieved from the military and naval expences in India with which they are burthened by the said act of the 21st of his present Majesty; and that provision may be made for the petitioners being paid the debt now due to the petitioners from the board of ordnance, and being freed from loss in the supply of salt petre to Government, and for the petitioners being paid the market price for so much as they shall supply beyond 500 tons of salt petre per annum, or that the petitioners may have such other relief in the premises as the nature of their case may require, and as to the House shall seem proper.

Ordered,

That the said petition be referred to the consideration of a committee; and that they do examine the matter thereof, and report the same, as it shall appear to them, to the House.

And a committee was appointed accordingly: the committee are to have voices.

The Secretary at War brought up the Mutiny bill, which was read the first time.

Mr. Fox.

Mr. Fox begged leave to say a few words on this bill, which, however, he did not mean to oppose or delay in its present stage. Gentlemen knew very well that a standing army

army in this country was unconstitutional; this was a principle which the annual passing of a mutiny bill was calculated to keep fresh in the memory of Parliament; but if it was unconstitutional to keep a standing army at all, surely it must be infinitely more so to vote an army, when there was not a single person in the kingdom to be responsible for the government of that army; and yet this was the case at present; the House being called upon to vote an army, when there was not a cabinet or minister to be responsible for the management or direction of it. Now, in this situation of affairs, he might suppose a case, in which this bill might, if passed, enable somebody to do what people had within these few days heard of without doors, namely, to dissolve the Parliament: for his own part, he declared, upon his honour, he did not believe there was a man in the kingdom desperate enough to advise such a measure. However, as it was possible there might be a man so lost to every sense of duty, so daring, and so desperate, as to think of such a measure, he thought it would be prudent to guard against his counsels, by stopping the bill for some time in the House. The delay could not be long, as it was impossible things could remain long in their present unsettled state; and the bill might be afterwards passed time enough to receive the royal assent before the expiration of the last Mutiny bill.

The *Secretary at War* agreed with the honourable member in what he had said relative to the constitution of the country on the subject of the army; for his part, he had not a desire to push the bill too hastily through the house; but gentlemen must see that as the act of last year would expire on the 25th of this month, it was necessary that the bill should not be very long delayed; at all events, he would take care to give timely notice of the second reading.

Mr. Burke's bill for explaining his bill of last year, for regulating the Pay-office, was read a second time. This gave rise to a very tedious and desultory conversation, in which the pensions to Colonel Barre and Lord Ashburton were again brought into debate.

Mr. Fox and Mr. Burke both said, that it was very singular that those who supported the ministry of the man to whose friends these two pensions were granted, should be the most forward to throw them in their teeth; hence it was fair to conclude, that there was nothing more dangerous than to do a kindness to some men, for their ingratitude would afterwards make this good-nature a ground of accusation. The

balances in the hands of public accountants were mentioned, and Mr. Fox seemed to have been glanced at. This called him up; and he said, that it was very well known that he had never acted as an executor to his noble relation, and therefore was, so far, as unconcerned in the matter of balances as any member in the House; his fortune would indeed be eventually interested in the settling of the accounts, as well as that of those who were dearest to him; still he meant to say, he was individually unconcerned in the balances, and did not care how nicely the accounts should be scrutinized, or how public they should be made. Some members expressed their surprise that the act passed last year for regulating pensions, was not to take place till the month of April next. Mr. Burke said, that a noble Marquis, now no more, feeling that the bill, from the very moment of its introduction to the House, was binding upon him from its spirit, though not from the letter, had expressed a wish that such a clause might be inserted in it, in order that he might not have his hands tied up from giving a pension of 200l. a year to the widow of a gallant general officer, who had scarcely left her any thing except the merits of his wounds and long services.

The Chancellor of the Exchequer.

The *Chancellor of the Exchequer* said, that the act had caused very great inconveniencies; for it obliged the ministers to bring the King's expences within the compass of 850,000l. and yet it had made a saving of only 40,000l. as to the idea of being bound, now or heretofore, by the spirit of the act, when the letter declared, that the act was not to have an operation till the month of April next, he confessed that he could not adopt it; and that he held himself free in the present moment to set his name to any pension, which in other respects it would be proper to advise his Majesty to grant; and that he should think he could not possibly in so doing be violating a law, which had not yet commenced; but on this subject he wished for the opinion of the House.

Mr. Pows.

Mr. *Pows* said, that he would take the sense of the House the next day, whether Ministers were bound by the spirit of the act, which, according to its own wording, is not to commence, with respect to the granting of pensions, till next month.

Mr. Baker.

Mr. *Baker* alluded to the report of the Chancellor's having had a grant of a pension, and also of the reversion of a Tellership of the Exchequer, which appeared to him the more extraordinary, as, by the act of last year, the King was restrained from giving more than 600l. in pensions in

one year, and more than 300l. to one person; and if the spirit of the act was binding before the letter took place, this was a violation of the act.

Mr. *Powys* said, that if there was to be any exception to this regulation, it ought to be in favour of a Lord Chancellor, who quits his practice for an office which he holds only at will. Mr. Powys.

The *Chancellor of the Exchequer* said, the reversion of the Tellership was in consequence of an old promise from his Majesty; and that the grant was to be subject to such regulations as Parliament should think proper hereafter to adopt. The bill was read a second time, and an order made for committing it on this day se'nnight. The Chancellor of the Exchequer

The order of the day was read for going into a committee on the bill for establishing a provisional intercourse with America.

Mr. *Eden* observed, that a bill of such magnitude ought not to be brought on in so thin a House; for his part he had not time to peruse the bill; it was only six hours since he had seen a copy of it, and of these six hours he had passed five in a committee above stairs; there were various points in it well worthy of observation; the bill stated that reciprocity was to be the basis of the intercourse; but this could not be the case; for we were giving to the Americans exclusive privileges in our ports, which they could not give us exclusively in theirs; as he understood that they were bound by treaty with France and Holland, to put these two countries on the same footing with any of the most favoured nations they should make commercial connections with. It was to be feared, that the Americans would, under this bill, become the carriers of all our West India trade. Another consideration was, that the Parliament of Ireland not being sitting, that country would lose greatly by being behind hand with us in opening the intercourse; it was also to be apprehended, that the Americans might bring woollens and hard-ware into the kingdom, to the great detriment of our manufactures. Upon the whole, he wished for some farther delay, in order to be better able to consider the bill. Mr. Eden,

The *Chancellor of the Exchequer* said, he had rather go on with the bill; however, he would not press it contrary to the wishes of gentlemen. The Chancellor of the Exchequer.

The *Solicitor General* was willing to postpone the farther consideration of the bill for some time; but he was not at all alarmed lest the Americans should bring woollens into the kingdom, The Solicitor General.

kingdom, for even Englishmen could not do it; there was a law against it. As to Ireland, he was sorry she was not present to consent to the bill; and equally sorry that the right honourable gentleman was not authorised by her to suffer her name to make part of the bill; but it could not be expected that as neither of these things could be, England should refrain from availing herself of the opportunity afforded her by the peace, of opening the so long shut intercourse with America. It was at length agreed, that the farther consideration of the bill should be postponed, and the House adjourned at half after six o'clock.

March 6.

The House having waited a considerable time for the Chancellor of the Exchequer, in whose absence Mr. Powys said he wished not to make his promised motion, the minister at length arrived, and apologized to the House for his absence, assuring them he had been detained by unavoidable public business.

Mr. Powys. Mr. Powys rose as soon as Mr. Pitt had sat down. He said, that if ever there was a moment in which it would be presumptuous in him to submit a question to the House, he was sure that this was the moment; for this was a time when a system was set up, and gloried in, by some people, of despising public opinion, and acting upon principles that would set that opinion at defiance; at such a time, when party bore the sway, it was peculiarly presumptuous in him to intermeddle with state affairs, who was of that description of men who were neither the leaders or followers of a party. However, let what would be thought of him, he would do what he conceived to be his duty. The administration of this country had been for some time burning in the socket, and had at last lost its light; but perhaps it is, in one sense, no misfortune; for, when he considered who it was who was at the head of that ministry, he might say, with the tailor in the farce, "that it was better to have no head at all." In the dissolution of that ministry, however, there was one thing greatly to be regretted, the retreat from office of the right honourable gentleman on the floor (Mr. Pitt), whose shining abilities would adorn any situation; but it was to be hoped that he would not long remain unemployed; great talents were public property, and therefore the public ought not to be deprived of them. He was sorry, that, going to
speak

Speak of pensions, as he then was, he had it not in his power to say that one had been granted to the right honourable gentleman, who had been taken from a profession to which he would have been an ornament. However, if he would not blend with others in a system of politics, to which he could not lend his countenance, and was determined to retire, he would carry with him the applause, the esteem, and admiration of his country. This could not be called poverty, but riches of the most desirable nature; rich in self applause, rich in conscious rectitude, rich in every quality that adorned the man and the statesman; the right honourable gentleman must find retirement less irksome than many other men.

In the midst of his panegyric, Mr. Powys was interrupted by Mr. *Martyn*, who spying a Peer sitting below the bar, *Mr. Martyn.* desired he might be ordered to withdraw; and that the Speaker would give orders, that in future no Peer should be permitted to sit in any part of the House of Commons, except that which is allotted for strangers. He was sorry to be obliged to act so; but until the accommodation should be reciprocal, he would not suffer a Peer to be on any better footing in that House than a stranger. The Speaker said, he had ordered the Serjeant not to permit Peers to sit below the bar; but it would be better for the House to give the order, as the order of an individual in such a case was of no force.

Mr. *Martyn* in reply said, that he would move to have the House cleared whenever he should again see a Peer below the bar. The Speaker informed him, that in so doing he would act according to order; for it was the privilege of any one member to have the House cleared whenever he pleased. The Peer whom Mr. *Martyn* saw, was Lord Walsingham, who immediately escaped from that gentleman's eye into the gallery. *Mr. Martyn.*

Mr. *Powys* resumed. Of the pensions lately granted, he said there was one, to which, undoubtedly he had no objection; it was that of the Lord Chancellor, and indeed he thought that in favour of the person who should fill that high office, there should have been an exception in the act that passed last year; this was his opinion, for reasons too obvious to be mentioned. There was a clause in the act, leaving the Crown a power to give pensions, beyond the extent specified in the act, to such persons as had been employed in embassies to foreign courts; now under the principle of this *Mr. Powys.*

this clause, he was afraid that pensions would be granted to other persons who had served the crown in other capacities at home. The operation of the bill of the honourable gentlemen was not, he observed, to take effect till the 5th of April 1783, and much had been said the preceding day, that although the letter of it had no force till then, yet the spirit of it was binding upon ministers, and that, in as audible and distinct language as could be used, the bill said to Ministers "forbear." He was not therefore a little surprized to hear a right honourable gentleman, high in office, say, "Forbear! On what compulsion, must I? Is it so nominated in the bond?" To this he would reply,

It is not so expressed; but what of that?

'Twere good you do so much for charity.

For charity to the public, for charity to an almost bankrupt nation! He said, that of the only two pensions which he heard were passing through the offices, to one, as he had said, he wished not to hint the smallest objection, because he flattered himself, that every gentleman would concur with him in admitting its propriety; the other, a pension to another noble person, with whom he had not the honour to be acquainted, but of whom he had never heard the least dispraise, he could not speak of with the same certainty, because he was unacquainted with the circumstances. Possibly that noble person having served his Majesty in foreign parts, might come under the particular clause of the act, which includes persons of that description; if so, he could only repeat the observation he had made when the bill was in agitation last session, that the clause respecting persons employed on foreign stations first enabled the Crown to employ unfit persons, and then enabled it to reward those persons for their unfitness. He meant not, however, to apply this to the noble Lord, against whose pension he knew no one objection*.

Mr. Powys begged pardon for the digression he had made, and briefly stating, that his aim was for that House to come to some resolution to restrain Ministers from granting any pension, between the present day and the 5th of April, contrary to the clear spirit and meaning of the bill of the honourable gentleman over the way. He concluded with moving,

"That

* Lord Grantham, late Ambassador at Madrid.

“ That his Majesty message of the second of May last be read, and afterwards the subsequent proceedings of the House at a few days distance.”

The clerk having read these passages of the Journals, Mr Powys moved,

“ That an humble address be presented to his Majesty, most humbly to represent, that whereas his Majesty, from his paternal regard to the welfare of his people, and his desire to avoid imposing any new burthen upon the public, has been graciously pleased to suppress the several offices mentioned in his Majesty’s message to this House in the last session of Parliament, and has likewise given his royal assent to an act for carrying the said most gracious design into execution, and for regulating the granting of pensions, and preventing all abuses or excesses therein. This House trusts that the same restrictions will be observed in respect to any pension his Majesty may be advised to grant antecedent to the fifth day of April, as by the said act are thenceforth strictly and absolutely prescribed.”

Mr. Martin seconded the motion.

Captain *John Luttrell* expressed his disapprobation of the act alluded to; and said, he thought that the influence of the Crown was diminished to a much greater degree than was consistent with the safety of the constitution; which depended on the equipoise of the three estates. He did not rise to censure either the dead or the living for any pension that had been hitherto granted; but to express a wish that this address had been more suited to the purpose which he had understood the preceding day to be the avowed object of it. He would not court popularity at the expence of reason; justice, and good policy; therefore he was free to say, that he did not think the power of the Crown was now by any means too great, or beyond what was necessary for the preservation of the constitution as it was by law established. He admired a great part of the Reform bill, but still he thought judicious expenditure was laudable economy, and therefore he did not approve that parsimony which led to an interference with the King’s menial servants, and to deprive him of the free exercise of his fancy and pleasure, but which every member of that House, from his bare gratification, could in a great measure enjoy. This, he thought, was not only taking magnificence, but the comforts of life, from royalty, for the purpose of a saving, which, in the great

Capt.
Luttrell.

scale of public expenditure, appeared to him paltry indeed. But his Majesty, being now abridged of almost every power but that of making war, he thought the rewarding the merits of his officers a power that ought to remain in the Crown. No man would say his Majesty had exercised it improperly in the cases of Lord Rodney, of General Elliott, and Sir Roger Curtis. We might still expect news of some important victories being obtained abroad by our arms before hostilities ceased, and he wished to leave the power of rewarding the leaders of them with his Majesty; nay, he would go farther, and say, that he did not subscribe to an opinion that nothing but success could deserve reward. He thought those who had served the state faithfully, indefatigably and industriously, whose lives had been spent in the performance of their duty, and whose health was impaired by the execution of it, merited a compensation from their Sovereign and their country. But, he said, the contrast was great between men of such description, and those who had advised this ignominious peace. The censure passed upon it by that House, sufficiently warranted an address to his Majesty that no reward should follow their ill deeds. He was aware it might be said, that the decision did not proceed from a fair investigation of facts, and therefore, as he had given a decided opinion on what he thought ought to follow that vote, he was ready to justify it; upon Ministers not having shewn they had done their best, or answering the charges which had been made against them, and therefore by their silence they stood self-condemned. And the extent of that guilt, as far as he was able to judge of it, he was ready to point out to the House, to sanction the address as far as it respected them.

He was about to proceed, when the Speaker intimated an opinion that it would not be strictly orderly to enter upon such discussion on the present question.

He said, he bowed obedience to the sentiments of the Chair on that occasion as he did on every other, and therefore would only repeat his wish that the motion had been more limited; but he would second it, because, though it did not entirely meet his ideas, it was a full restriction from granting farther pensions to those who had aided or abetted a peace, which, the greatest objection among many that he had to it, was, the almost impossibility of its being a lasting one.

Mr. *Chancellor Pitt* entered into a detail, and vindication Mr. Pitt of the different pensions that had lately been granted, premising that he did not think the act binding upon Ministers till it should have taken place, because its object was to take away a power at this moment in the Crown, and which of course the Crown had a legal and just right to exercise, until the time should come when the act for restraining it should attack upon it. On this point the law itself was positive and express; for it declared that it should not take place, or have any operation till the 5th of April 1783. Upon this principle he defended the pensions. The honourable member had said, that an exception ought to be made in the act in favour of the person who should fill the high office of Lord Chancellor; therefore he must agree with him, that the pension to the learned Lord who now holds the great seal, was justified by the spirit, as it most unquestionably was by the letter of the act, which not having yet taken place, could not restrain the Crown from exercising a power which it possesses at this moment by law. Nobody, he presumed, would object that the Chancellor of Great Britain, when he went out of his high and important office, should have a suitable provision. With regard to the pension that had been granted to the present Lord Chancellor, it arose thus: His Majesty had been graciously pleased to make a promise to that law officer, some years ago, that he would bestow on him such a pension as that now granted, and his Majesty, a few days since, had signified his royal intention that the promised mark of his bounty and favour should be then bestowed. On that ground the pension to the Lord Chancellor stood. At the same time he thought it right to say, that if the Lord Chancellor had chosen it, since he had been in his high office, he had more than once had it in his power to have obtained a much larger reward, but that he now desired to have no more done for him than his Majesty had formerly been graciously pleased to promise should be done for him. At present, a grant for the pension, so well known as to its amount, had passed through all its forms, and the Chancellor had a farther promise from his Majesty (which also had been long since made) of a Tellership of the Exchequer; a species of royal bounty that had repeatedly been bestowed on other persons who had formerly filled the same high and important office. For that additional mark of the royal favour, the Chancellor of course must wait till a future opportunity. Two other pensions of 2000l. a year

each, to Sir Joseph Yorke and Lord Grantham, were also justifiable by both letter and spirit; for when the act in general restrained the Crown from giving a greater pension than 300l. a year to any one person, it expressly excepted out of this restraint those who had been ambassadors abroad, whom the Crown was to use its own discretion in rewarding. He paid many high compliments to Lord Grantham, who, he said, on his return from an eight years embassy, refused to be a burden to his Sovereign, when he could no longer serve him; and therefore declined accepting the usual salary for an embassy, the duties of which, by his recall and the subsequent war, he was unable to discharge. His Majesty had promised to provide for him, and had made him First Lord of Trade, which board was afterwards abolished. When, therefore, Lord Grantham was called upon to take on him the post and duty of a Secretary of State, his Majesty had been graciously pleased to promise him a pension of two thousand pounds a year, whenever he should quit that situation; and he would farther inform the House, that the conditions of the grant was, that the pension was to cease whenever Lord Grantham was in possession of any place or office that afforded greater or equal emolument. Having dwelt for some time on these two pensions, and proved that they neither of them were in themselves illegal, or contrary to the spirit of the act, that had been so often mentioned. Mr. Pitt said, as he wished every part of his conduct, as a Minister, to be fully and fairly understood by the House, on whose candour he reposed with the most perfect confidence, he would proceed to lay before them a history of every pension that had been granted since he had been in office. There were some of which the House were not apprized; and first, a pension of 2000l. a year had been granted to Sir Joseph Yorke, a gentleman who had spent thirty years of his life in foreign embassy, and who consequently came under the description of the enabling clause in the act. Sir Joseph Yorke's merit as an Ambassador was so well known, and so universally acknowledged, that Mr. Pitt thought it unnecessary to dwell upon it, not imagining any objection could be started against the reward his Majesty had been graciously pleased to bestow upon him. Two more pensions, or rather compensations, one of 700l. and the other, he believed, of 500l. a year, had been granted to two clerks of the Treasury, who had been long in the public service,

vice, and whom for the sake of some official arrangements, they had found it necessary to superannuate. These pensions certainly came not within the letter of the act, having been granted antecedent to the 5th of April. Another pension did indeed nominally exceed the sum prescribed by the act, but in reality it did not amount to so much. He believed he spoke in the hearing of those who knew that pension did not originate with his Majesty's present servants; he meant a pension of 350l. a year nominally to Mr. Morgan, now with Sir Guy Carleton as his secretary. That pension he understood had been promised to Mr. Morgan, when he consented to go out, as a reward for his quitting his connections here at home. There was one pension more, if it could be called a pension, which he saw no necessity for his going into the private history of, but he would nevertheless state that it was a pension of 200l. which had been granted to a gentleman on his leaving the Tax-office, and coming into the service of the Treasury, as a compensation, in case by the change of Ministry he should be thrown out of employment.

Having, as he believed, fairly stated all the pensions that had been granted, the House, Mr. Pitt said, were now in possession of the whole of the proceedings of that nature, that had taken place in the course of the summer; and as they came not by any means within the letter of the act, and were in themselves perfectly reasonable, he trusted implicitly to the candour of the House, declaring himself ready to take his share of the responsibility for having set his hand to them, but hoping that if there was any thing wrong in having granted them, the House would not think of disturbing or revoking either those that had been fully granted, or of stopping that of Lord Grantham, but would proceed to such measures of a prospective nature, as should prevent the repetition of similar errors in future, if errors they were. Under this impression, therefore, it was that he hoped his honourable friend would consent so to modify his motion, as to take away from it any words that might convey a retrospective censure; and when it was so altered, it would undoubtedly meet with his cheerful support. As far as regarded the past conduct of Ministers, Mr. Pitt declared, he felt no sort of embarrassment in unbolting himself fully to the House; there was a part of his honourable friend's speech, however, to which he could not so easily allude, and which excited in his mind the most feeling emotions; that was the

part

alarming exercise of the influence of the Crown? What was it, but bribing persons by pensions to take on them offices, to accept which they had no inclination? By this means the Crown could always obtain an administration without the smallest regard to the sense of Parliament, or the confidence of the people. After severely reprobating this mode of bestowing a pension, as a condition of accepting high office, and declaring that though a Lord Chancellor had a right to expect a pension on quitting his situation, he hoped it would not be understood, that future Secretaries of State were to have the same expectations. Mr. Fox adverted to the defence set up by Mr. Pitt for Lord Grantham having been employed on foreign service for the Crown. Mr. Fox admitted that his Lordship came under that description, but said, he had himself moved to insert that clause of the act of Parliament, though with a different view from that in which it was now regarded. His idea was, not to enable the Crown to grant pensions to noblemen who had been employed in important embassies, and whose affluent private fortunes placed them above the want of a pension, but to enable the Crown to provide for a very different description of persons sent upon foreign service. It was well known, that young men of some family and abilities were picked out; and sent early in life to foreign courts, where they remained for several years, and were then moved to other courts, and so on. These persons, were they not so employed, would doubtless have pursued some profession or other at home, in which they might have been successful; and therefore, when from a change of Administration it became necessary to recall them, he thought it extremely hard, (as they must by that time have lost all their connections at home, as well as their chance of success in any professional pursuit) that they should go unrewarded. It was to meet this difficulty, that he had moved the clause, and with no other view whatever. He next came to the mention of Sir Joseph Yorke's pension, and not having the honour to be acquainted with that gentleman, he said, he was not enabled to fortify himself against the charge of personal and invidious motives, in regard to what he should say, in like manner as he had been able to fortify himself, with regard to the Lord Chancellor and Lord Grantham; he could only therefore disclaim being actuated by any such motives. With respect to Sir Joseph's pension, he declared, though he had served his country in foreign embassy thirty years, yet when he looked at his honours and emolu-

emoluments, he saw no necessity for the pension lately granted. He next spoke of Mr. Morgan's pension, and said, that he knew nothing of the promise of any such pension when he was in office. Perhaps the noble Lord below him might [Lord John Cavendish.] He objected, however, very strongly to any pension's being granted as a bribe to any person's taking upon him an efficient office. He thought the principle a pernicious one, and though he meant nothing invidious, or personally offensive to the noble Lord over the way, he could not avoid taking that opportunity of saying, that when the learned Lord accepted an office for life, at the same time that he accepted the office of Treasurer of the Navy, (which though not a sinecure, was pretty much like one) all the world wondered at such a strange mode of giving a man an office for life, as a condition of his taking another, and that almost a sinecure office; and it was universally declared the most lavish and absurd mode of wasting the public money that could be adopted. Mr. Fox next adverted to the two clerks of the Treasury, who had been superannuated on pensions of 500l. and 700l. per annum, and asked, if they really were, from infirmity, illness, or any other cause, obliged to be superannuated, or whether the whole of that business was not a mere job, for the sake of an arrangement more agreeable to the Minister? With regard to the granting 200l. a year to a clerk taken from the Tax-office to the Treasury, he reprobated that measure, and alluded to a transaction that had passed in the House of Lords ten days since, which he termed a scandalous transaction. He again urged the bad policy of granting pensions, as bribes to persons to take on them efficient employment, and having fully discussed all the topics he had touched upon, he said, though no man had a greater personal regard for the Secretary of State just promoted to a peerage, than he entertained; and although no man wished him to be loaded with honours more than he did, yet the remark was so obvious, that he could not avoid observing, that it was a little extraordinary, that the Crown should think proper to reward those ministers who had assisted in making a peace, which the more he considered and reconsidered it, the more he found cause to wonder at the possibility of any man's being capable of setting his hand to it. And yet that peace, which, to say the least of it, had not met with the approbation of that House, but in some degree lay under its censure, was thought of so differently elsewhere, that it had been found advisable to reward

one of the Secretaries who made it with honours and the other with emoluments. After putting this very pointedly, Mr. Fox said, with the leave of the House he would so far digress from the principal subject of debate, as to take some notice of the extraordinary remark made by the honourable gentleman who moved the address. To find that gentleman at any time differ from him in opinion, was a matter that gave him real concern. He lamented that an honourable friend, who was every way so respectable and independent, did not concur with him in sentiment, but he could not let what had fallen from that honourable gentleman pass unnoticed; at the same time he declared he knew not to what his honourable friend had alluded. His honourable friend had talked of those who avowed, who boasted, and who gloried in acting independent of the public opinion. If his honourable friend meant to allude to him, he was mistaken. He had neither avowed, boasted of, nor gloried in any such conduct; on the contrary, he maintained the very reverse idea; and he was not a little surprised to hear his honourable friend immediately afterwards confess, he thought the government ought to go into such hands. How was this to be reconciled? To him it appeared most irreconcilable. He had contended, and he ever would contend, that no Ministers who acted independent of the public opinion, ought to be employed. The public opinion alone was the basis, in his mind, on which an administration should be formed. It had been argued again and again, that the King had a right to chuse his own Ministers. In that particular, he rested on the spirit of the constitution, and not on the letter of it; and grounding his opinion on the spirit of the constitution, he ever had and ever would maintain, that his Majesty, in his choice of Ministers, ought not to be influenced by his personal favour alone, but by the public voice, by the sense of his Parliament and the sense of his people! An Administration in whom that House did not place a confidence, was such an Administration as it was unsafe to lodge the government of this country in at this crisis. It was no argument to say, "I am a Minister, because his Majesty has made me one." The personal influence of the Crown was not the ground for a Minister to stand upon. The confidence of the people must accompany the royal favour, or the country could not be governed wisely, prosperously or safely. He would repeat what he had mentioned the day before; he did not, upon his honour, believe there were any men so extremely

tremely desperate, but it was reported without doors, that there was an intention of dissolving the Parliament. Let the House look at the business upon their table! Let them consider the many, the great, and the important questions, beyond all former example, that awaited their discussion! Let them think of the consequence, if a dissolution of Parliament was to take place, without a responsible Minister in office. He would not offer any proposition or advice to them. Let them weigh their situation, and act accordingly! With regard to the coalition so frequently alluded to, let gentlemen coolly ask themselves, if ever unanimity was most requisite, whether this was not the time for it? Let them consult their judgment, whether former animosities ought not to be buried under the present difficulties, and whether this was a fit moment for retorts and repartees! To what purpose urge former heats and asperities? Were there any two of them that could be put into a room together, of which a third person could not say, "you formerly violently opposed each other, and this or that harsh thing was said of one of you by the other?" Mr. Fox conjured all sides of the House to unite, through a sense of the critical situation of the country. He advised moderation and unanimity, as the great means of restoring the public welfare, and returned his hearty thanks to Mr. Powys, for his vigilance and care in bringing forward, at such a moment, a motion so wise, so necessary, and every way so proper, as that under consideration. Towards the conclusion of his speech he took occasion again to mention the talents of the Lord Chancellor and his great influence. He said, the country felt that influence to its disadvantage at that moment. Had it not been for the exertion of that influence, he verily believed such an administration would have been some days since formed, as would have had the confidence of Parliament, and the confidence of the people.

The *Lord Advocate* having been personally alluded to, felt it necessary to say a few words. It was rather odd, that in a speech wherein unanimity was so much extolled, and where the House was told, that they ought not to indulge in retorts and repartees, the honourable gentleman should have dealt in them so largely. In the first place he would assure the honourable member, that he had not obtained the place of Keeper of the Signet in Scotland, as an inducement to accept of the Treasurership of the Navy of England, a place which he was very willing to confess was not fit for him: he had

The Lord
Advocate.

said so to persons now within hearing; and he declared he had consented to accept it only until some other person should be found to fill it. But he would not say he was unfit for the place he had obtained in Scotland; and his Majesty having been pleased to honour him with a patent place, he would assure the honourable gentleman he would never dishonour the patent, by carrying it to market. This pointed allusion called up

Mr. Fox.

Mr. Fox, who said, the transaction alluded to (his exchange of the Clerkship of the Pells in Ireland, for a pension on that kingdom) had nothing in it dishonourable: the patent he had received from his father, as part of his fortune, and unconnected with the then administration, who applied to him, he consented to accommodate government, but on very bad terms for himself, as he had given away a thing of greater value, than that which he had got in return for it. This was the whole transaction. It had been a matter well known, a matter talked of in that House, and a matter that no one person, except the learned Lord, ever thought disgraceful or dishonourable in the smallest degree. The place was no favour to him from the Crown, no boon from his present Majesty or his Ministers, but a legacy left him by one of his relations, as disposable by him as any other species of property whatever. *Mr. Fox*, after explaining this matter very fully, declared, upon his honour, that he knew not of the manner of the learned Lord's accepting of the place of Treasurer of the Navy, and mentioned, that the Lord Chancellor had refused putting the seal to the learned Lord's patent of Keeper of the Signet of Scotland for life, till he was appointed Treasurer of the Navy.

Mr. Rigby.

Mr. Rigby said, he was acquainted with the whole transaction of *Mr. Fox's* bargain, which was perfectly honourable; and in which there was but one thing censurable, the right honourable gentleman had parted with his patent for less than it was worth. As to the learned Lord, he could vouch for him, that he had told him, many months ago, that he was ashamed that a Lord Advocate, who was at the head of the bar in Scotland, should hold so lucrative an employment, and at the same time so very little connected with his profession, as was that of the Treasurership of the Navy. Having done this mutual justice to the Lord Advocate and *Mr. Fox*, *Mr. Rigby* said, he did not like the address, and yet he knew that in these times it would be in vain to oppose it. The sense of the House was clearly the other way: but
unpopular

unpopular as the declaration might be, he made no scruple to declare, that he disapproved of the act in question, and that he wished the power of the Crown had not been so much limited as it was. He saw clearly, that from diminishing the royal influence many of the present inconveniences of the country arose; and if the honourable gentleman's act was to continue in force, in two or three years it would be impossible to carry on the business of Government in that House. He was of opinion, that the Crown ought to remain in possession of what the constitution designed it to hold, the power of rewarding with honours and pensions; and so far from thinking there were too many pensions, he wished there had been at least one more. As that would probably be the last opportunity he should have, (since in all likelihood the address would be carried, and then Ministers dared not advise the Crown to grant another pension) he said he would mention the pensions to which he alluded. It was a pension that had been much talked of last year, and even by the honourable gentleman over the way, [Mr. Fox] a pension to Lord Rodney. That noble Lord had by no means been sufficiently rewarded. Mr. Fox had said, at the time he had just spoken of, "Why grant Lord Rodney a pension; he may, perhaps, bring home half a million of money, and if so, he cannot want a pension. If, however, the case should be otherwise, and he should stand in need of one, undoubtedly it ought to be granted." Mr. Rigby said, he was persuaded the noble Lord's fortune was not equal to the support of his rank, and therefore he hoped he would have a pension. Mr. Rigby also expressed a wish, that, although he did not approve of the late coalition, such an administration might be formed, as would rescue us from the derision of the world, and restore the country to its former respectable state. He said, he would support such an administration, whether formed on a broad or a narrow basis.

Mr. Chancellor Pitt begged pardon for having omitted to Mr. Pitt. speak of two other pensions: it was in contemplation to settle one on Lord Rodney and General Elliott for three lives; but as they were to be for lives, they could not be paid out of the civil list, and consequently were not within the act of last year.

Mr. Elliot said, that in order to shew that the address had Mr. Elliot. no retrospect, he would move an amendment, viz. to leave out *economical moderation*, and insert *restrictions*; and to leave out *adhered to*, and insert *observed*; and to leave out *grant*, and

and insert *ordered to be granted*; and to leave out *is*, and insert *are*.

Mr. Byng.

Mr. Byng justified Mr. Fox, with regard to his exchange of the Clerkship of the Pells of Ireland, and said, that the place had no sooner passed out of the hands of his honourable friend into that of the honourable gentleman, for whom it was purchased, [Mr. Jenkinson] than its value was increased to the full difference of the amount of 1000*l.* a year.

Gov. John-
stone.

Governor *Johnstone* charged gentlemen with want of courage, to come fairly to the point on these occasions; they declared themselves enemies to these pensions in the general, but were afraid to speak of the individuals to whom they were granted. He thought the House wrong from the beginning; for if the law attached from the first, then all the pensions hitherto granted were illegal; if the law did not yet attach, the Crown was under no restraint at present. He observed, that the act of which he was speaking was a bad one in his opinion, as it took from the Crown the power absolutely necessary to carry on government. He said, that the argument did not hold upon which the act of last year was justified, and the pensions that had been granted since. The act expressly forbade any pensions being granted, and yet he had the preceding day heard it asserted, that Lord Ashburton's pension was extremely proper, and that Colonel Barré's pension was extremely proper; and this day he had been told, that the Lord Chancellor's pension was extremely proper, that Lord Grantham's pension was extremely proper, that Sir Joseph Yorke's pension was extremely proper, and that all the variety of lesser pensions were extremely proper. There must, the Governor observed, be something radically wrong either in the act of last session, or in these pensions; both could not be extremely proper. The plain fact was, that House had not the courage to meet a personal question. They were bold in advancing a theory; they flinched when they came to reduce it into practice. The Governor next adverted to the repeated attacks on Lord North, as the author of the American war. That noble Lord, he said, was, in his opinion, cruelly used. It was the fashion now to call the American war the noble Lord's war. The House could not be ignorant that it was no such thing. It was the war of the House of Commons; the war of the people of England; the war which this country in the hour of its madness begun, and was determined to prosecute, in spite of reason and common sense. Let the House recol-

lect

Let how small the minority was that opposed it in its origin. Even the honourable gentleman who made the motion of the day, and a more independant and respectable member sat not within those walls, was eager for it at its commencement. When he, [the Governor] foreseeing the mischief it would occasion, and the ruin that had followed, opposed it with all his might, that honourable gentleman had been loud in urging the necessity of maintaining the legislative rights of Great Britain; to attempt, therefore, at this time, to shift a common error off the shoulders of that House, and place it on those of the noble Lord in the blue ribband, was mean, unmanly, and unjust.

Mr. *Courtenay* said, that as the motion was explained to be merely prospective, and to have no view or reference whatever to the pensions already granted, he would very readily consent to it, though he would otherwise have opposed it; and he would have opposed it for this reason, that he thought nothing could be more unreasonable, than that Ministers who had signed a peace, which had fallen under the censure of the House, should be so far persecuted, as to be deprived of every species of consolation; and that whilst they had incurred the displeasure of Parliament, and the abhorrence of their country, they might not be allowed the honest and reputable satisfaction which was still left them, of being a burthen to the public, or pensioners to the Crown. And he thought it the peculiar blessing of this constitution, that Ministers, whose conduct was despised and reprobated by one branch of the legislature, might still not only be protected, but cherished and rewarded by another branch; and that popular odium might be counterbalanced by royal favour. Let any humane person consider, what must be the wretched situation of men, who had lost every degree of reputation, and what was dearer to them, every emolument of office, if they were at the same time deprived of the quarterly comfort of a well paid pension, that enabled them to look down with contempt on the people and their representatives, and to look up with gratitude to their Sovereign. Mr. *Courtenay* observed, that it was unworthy the right honourable gentleman's [Mr. Fox's] usual liberality and candour, to reflect on gentlemen for having made a previous stipulation with the Earl of Shelburne, as nothing so strongly evinced their thorough knowledge of that Minister, as the caution with which they transacted and bargained with him, before they would engage to support his administration.

The learned Lord, it had been alledged, had one of his employments secured for life, and the other [Lord Grantham] we were told, had a positive promise of a pension from the King. Both of them equally manifesting, by their conduct, that they had virtue, and it was necessary that virtue should be purchased for a valuable consideration, before they would part with it; and that they considered a promise merely from the Earl of Shelburne as no consideration at all. In answer to Mr. Rigby's declaring that he would support any Administration formed either on a narrow or broad basis, he said, he should only observe, that he gave him entire credit for his declaration. He was persuaded that worthy gentleman had no other motive for his conduct, but to preserve peace and unanimity in the country, to maintain the due equilibrium between the Crown and the people, and to hold to the last moment he could — every *balance* in his hands. Mr. Courtenay remarked, that the right honourable gentleman, and some others of his description, dreaded and deprecated a coalition which would unite talents, integrity, property, and character, and form an Administration, which would deride and set at nought the little subordinate cabals of intrigue and left-handed cunning, and reduce to their proper insignificance, men who had nothing to recommend them as objects of public attention, but their intrigues and their ingratitude. On the same principle that the right honourable gentleman thought the influence of the Crown was too much diminished by the bill of reform, he would also think it too much diminished by this horrible coalition; and therefore was of opinion, that the prerogative should be preserved entire in the Crown, by appointing a Minister, if it pleased, without probity and without parts, without friendship and without connection, without support in the House, and without confidence and approbation out of it. He said, he avoided observing upon the light in which the public would see this declaration of universal support to all administrations: the light in which malice would understand it, was this; that the two right honourable gentlemen's first view and purpose was to supplant and undermine the coalition they vilified; but being unable to accomplish that object, they were prepared — if convenience required, to support it; and not being able to acquire all that they would, they should temperately be satisfied with taking all they could, from ministers of any sort and every discription —

Like the vile straw, that's blown about the street,
Some needy member stick to all they meet;
Coached, carted, trod upon — now loose — now fast,
And carry'd off in some dog's tail at last.

Earl *Nugent* rose to recommend Lieutenant-general Boyd ^{Earl Nugent.} to a pension, but the House was clamorous for the question. It was accordingly put as amended, and agreed to without opposition.

March 7.

The order of the day, for taking into consideration the ordnance estimates, was read; but the Earl of *Surrey* ^{Earl of Surrey.} expressed a desire, that the House would pass over this order, and proceed to the second, which was for going into a committee on the bill for establishing provisional regulations for an intercourse with America: this bill was of the most pressing nature, and therefore he hoped the House would prefer the consideration of it at present to that of the ordnance estimates, which might as well be taken up some other day.

Lord *Newhaven* ^{Lord Newhaven.} admitted, that it was necessary that some commercial regulations should speedily take place; but it did not follow, that because some regulations were necessary, the House must necessarily adopt those contained in the bill alluded to: but though these regulations should be less exceptionable than he thought them to be, still he was of opinion, that so great, so extensive, so important a subject should not be agitated, when this country was absolutely without a ministry; and therefore he would oppose any farther progress of the bill, until a government should have been formed.

The Speaker was proceeding to put the question on the order of the day, when Mr. *Hussey* ^{Mr. Hussey.} rose, and said, he wished to call the attention of the House to a subject of great importance. There was upon their table a report from a committee appointed to enquire into the state of our finances; of that committee he had been an unworthy member, and the report contained several serious facts, well deserving the consideration of the House, and yet no proceeding whatever had been had upon that report. He had heard a great deal about pensions the preceding day, much of it had given him very great concern, and he never in his life felt himself so humbled as a Member of Parliament. The more he reflected on what he had heard, the more he was mortified. With regard to the Lord Chancellor's pension, that was out

of the question. Every gentleman must see the propriety of it. But as to most of the other pensions that had been mentioned, he thought them extremely wrong. Good God ! give away pensions of 2000l. a year, when we are not certain that we could pay a penny in the pound to the honest national creditor ! We ought to be just before we were generous. Let gentlemen look at the report to which he had alluded. They would there see that the sinking fund, which at the beginning of the war amounted to three millions and upwards, had been wasted during the administration of the noble Lord in the blue ribband, in order to make good the deficiencies of the noble Lord's unproductive taxes, and was now reduced to a few hundred thousand pounds. That report ought, Mr. Hussey said, to be taken into consideration, and if nobody else would move it, he would. Mr. Hussey declared, he had endeavoured to suppress his feelings ; but hearing what he had heard the day before, and knowing the reduced state of the country, he could not with any patience hear of pensions being multiplied in a manner so shamefully prodigal.

Earl of
Surrey.

On the Speaker's proceeding to put the question for the order of the day, the Earl of *Surrey* rose again, and renewed his former address to the House, on the very great and superior importance of the American trade bill. His Lordship said, that bill had been put off already once or twice, that the commercial interests of the country were deeply involved in it, and that a subject of so material and interesting a nature could not be too early proceeded upon. He submitted it therefore to the House, whether it would not be better to take that bill into their consideration previous to the ordinance estimates, the postponement of which for a day or two could not be attended with any ill consequences.

The Lord
Mayor.

The *Lord Mayor* rose to enforce what had fallen from the noble Lord ; the trade of this country, he said, was, in a great measure at a stand ; a moment's time ought not to be lost to give it motion. His Lordship said, the necessity of the case pressed so much, that he had hoped some means would have been found before now to have applied a remedy ; and the unsettled state of government was not a sufficient reason for not proceeding in this most important business. He had been told, that his Majesty had a discretionary power to suspend or repeal laws, that stood in the way of a free exportation of the goods of this country to America ; he knew not whether he had been rightly informed, but if there was not a sufficient power, and the present bill should

be thought unfit to pass, he hoped some means would be found to give his Majesty full authority to open the trade. His Lordship very forcibly stated that it was not only a great present inconvenience to trade, that matters should stand as they did, but that very serious and alarming consequences were to be dreaded if the trade was not almost immediately opened to America; other nations would deprive us of a commerce that promised to be extremely beneficial, and by carrying their goods to the American market before we could get out of our ports with ours, would throw the trade into a new channel, from which it might not afterwards be an easy matter to divert it, and turn its course again to Great Britain. These considerations, his Lordship said, were of the first importance; for if the country did not take care of its commercial interests, the finances of it would be still worse than the honourable gentleman, who had lately spoken, seemed to fear.

Mr. *Chancellor Pitt* admitted that no consideration could come before the House, that from its nature and consequence called more loudly for the immediate attention of the legislature, than the American trade bill. He had therefore, he said, no objection to letting the ordnance estimates wait, till the American trade bill had passed the committee; but at the same time he wished to have it understood, if the consideration of that bill should be over in any reasonable time, that the House was to resolve itself into a committee of supply on the ordnance estimates immediately, Mr. Pitt.

It was at length agreed to postpone the first order of the day, for going into a committee of supply, on the ordnance estimates, in order to go into a committee on the American intercourse bill; for which purpose a motion was made, "that the Speaker do leave the chair," which having been seconded,

Mr. *Eden* rose to state the objections that occurred to him on the subject of the bill. He declared it to be, in his opinion, of the greatest importance of any that he had ever seen in parliament, and consequently the most deserving of mature and serious deliberation. This bill would introduce a total revolution in our commercial system, which he was afraid would shake it to its very basis, and endanger the whole pile. He said, that he had been the cause of the proposed bill being deferred on a former day, and as every subsequent enquiry and reflection had tended to augment his alarms, he should once more object to going into the com- Mr. Eden.

mittee; but he adopted this mode, rather to entitle himself in point of regularity to enter into a general discussion of the subject, than from any ultimate intention to stop the progress of the bill farther than might be necessary to its amendment; for he fully agreed with the worthy magistrate of London, that something was necessary to be done with all possible dispatch. It was a business the most complicated in its nature, and at the same time the most extensive in its consequences, that he ever remembered in Parliament. He rejoiced to see a rising disposition to attend to it, and saw many around him from whom he should expect very effectual aid and assistance. His objections went to different points, affecting every clause of the bill; but he desired not to be charged with disrespect, in regard either to the right honourable gentleman who had introduced the bill, or the learned gentlemen who had assisted in framing it. They had framed the bill on a principle which had, in some degree, been encouraged by the whole House; he had himself been forward in desiring that a commercial intercourse with the late colonies should be opened on very liberal terms, ever regretting, however, that it had not been arranged in the Provisional Articles. In this, as in other instances of public business, it was not easy to see the dangers and difficulties of the measure, till it had been detailed in the form now before the House. The very title of the bill called for serious regard. The words "provisional establishment," must mean a system to be established, provided that something is done; no proviso indeed was stated within the bill, but it was understood to mean a similar system to be adopted in America. He could not recur to invidious remarks on these improbable reciprocities. He had stated on a former day, that reciprocity in this instance was nearly impracticable, as well from the provincial constitutions of the United States, as from their treaties with European powers; he would now endeavour to shew that the whole plan was utterly improper, even if it were more easy in its execution, and probable in its success. The first objection to it that struck him then, was on account of Ireland. In order to explain this point, he must inform gentlemen, that, in the late settlement of that kingdom, those who were well-wishers to the harmony, friendship, and connexion of England and Ireland, had introduced a clause into one of the Irish acts of Parliament, that of Mr. Yelverton, by which the British navigation act was adopted, and made part of the law of Ireland; but still with
this

this proviso, "that it should cease to be binding upon Ireland, whenever it should cease to be binding upon Great Britain." The consequence that he apprehended from the bill now before the House was this; it completely repealed the navigation act, and therefore, by virtue of the above proviso, it would of course be repealed at the same moment in Ireland, and then Great Britain might bid adieu to any navigation act to bind Ireland in future; the British legislature no longer enjoyed any power to legislate that for kingdom. But it might be said, that this was not an objection merely to the bill before the House, but to any bill which should repeal the navigation act. Here he begged leave to maintain a contrary opinion; it was allowed on all hands, that this bill was only a provisional, a temporary bill; but its effect with respect to Ireland would be perpetual; for Ireland had bound herself to observe the navigation act, as long as it should make part of the law of England, but no longer; if therefore it was once repealed here, though only for a time, the consequence would be, that Ireland would find herself freed from it for ever. How then could this be avoided or remedied? He had pointed out the mode three months ago; when he suggested the propriety of assembling the Parliament of Ireland, that the legislatures of both kingdoms might go hand in hand in the regulations that might be thought necessary; but as matters now stood, the repeal of the navigation act preceding the meeting of the Irish Parliament, we must lie at the mercy of that assembly, through the misconduct of our own rulers. But this was not his only objection. The American States lay so contiguous to our West India islands, and this bill giving the Americans leave to trade with them, there was no shadow of doubt but they would supply them with provisions from the continent of America, to the utter ruin of the provision trade of Ireland, which at present supplied the British West Indies; the fisheries of that kingdom would, of course, be ruined. The next thing to be apprehended was, that we should totally lose the carrying trade; for as the Americans were to be permitted, under this bill, to bring the West India commodities to Europe, so he feared that the six hundred ships of this country, which that trade employed at present, would become useless, not only to the great decrease of our revenue, but the absolute destruction of our navy, arising from the destruction of that great nursery for seamen. The sugar refinery of England would also, he feared,

be

be destroyed by this bill; for as the Americans could carry the raw sugars to their own country, and manufacture them much cheaper than we can here, the consequence would be, that they would be able to undersel us in every market. He was not without his apprehensions for the loss of the hat trade; for, as by the Provisional Treaty, they had the fur trade resigned to them, and at their door, so of course they could manufacture hats at a much cheaper rate than we could, and consequently would monopolize to themselves the supply of the West India islands with that branch of commerce. There was another circumstance perhaps more alarming than all the rest; the Americans on their return from our ports might export our manufacturing tools, and our artificers emigrating at the same time, we should run the risque of losing our manufactures, perhaps the only advantage we as yet possessed over the Americans, and seeing them transplanted to America. This would be a stroke that our commerce would scarcely be able to survive. In fine, this bill would place the United States on the footing of the most favoured nation (*gens amicitissima*), without leaving us so much as a hope that we should obtain any like reciprocal advantages. He then adverted to the three paragraphs that immediately followed the provision already alluded to, which a right honourable friend of his (Mr. Burke) had compared to making love; he said, that they certainly were a sort of *Epistole Amatorie*, and as unmeaning as love-letters generally are. He observed, that these same plausible and wheedling expressions, which the House had once seen in the Provisional Articles, and again in this provisional bill, were taken from the preamble of the commercial treaty between France and the United States, where they stood with some effect and propriety.

The next enacting clause admitted the ships as the ships of aliens, and the cargoes as the cargoes of British subjects: on this it was observable that the distinction was not so unfavourable as many gentlemen might suppose, for though foreign ships pay a double duty to the light-houses, they are exempted from a shilling per man per month, and also from a tonnage and poundage duty, which is paid by British merchant ships. But the other part of the clause, which admits all goods the growth, produce, or manufacture of the United States was of a more serious nature, as it purported to give to a people now become a foreign state, the trading privileges of British subjects. How was the King hereafter to make

make treaties with the European powers, who claim to be treated on the footing of the most favoured nation? And was Parliament prepared to consent to the admission of all the world as British subjects? Besides, how would it operate as to subsisting treaties? — He would select the Russian treaty of commerce as an example. [Here Mr. Eden read to the House two articles of the Russian treaty, importing that the subjects of each contracting power shall have leave to trade in all the ports and towns where such leave shall be granted to any other nation; and that they shall pay no greater duty for the importation or exportation of their commodities, than is paid by the subjects of other nations.] Would not the bill in question be a direct contravention of that treaty? The renewal of that treaty was probably now in agitation, as it was within two years of expiring; with what face would Sir James Harris say to the Russian Minister, — “Sir, I am instructed to renew the old Articles, but you must prevail on the Empress to overlook a peculiar circumstance. We are at the same time making a treaty with another foreign nation, to which we are giving the admission of all merchandises of the staple of the Russian empire, free from various charges and restrictions, to which the Russian imports are liable. I acknowledge that this is awkward, because the interests of Russia must at any rate suffer by the American independence: her growth and produce are the same as the Northern States of America, but her ports are frozen during a considerable part of the year, when the American ports are open. It must be confessed too, that your ships cannot approach our West India islands, without being forfeited; but the ships of that foreign nation, to which I allude, are there also to be received as British subjects.” What would be the answer of that great Empress? and what would become of the Russian treaty?

He added, that all these mischiefs were trifling, in comparison of what he was next to state. It had been easy to foresee that the American independence must tend to great convulsions in our commerce, the emigration of manufacturers, the loss of seamen, and all the evils incident to a declining country. Under such apprehensions, he, perhaps, and some others, had been governed in their conduct, even beyond a due policy and prudence. The hour of calamity was now come; many new embarrassments must arise; but he

he would not consent to increase or anticipate them, by measures of rashness and despondency. Under this caution, he would intreat the House to advert particularly to the clause which authorises a free import and export between the United States and the British West-Indies. France had confined her treaty to Europe. The United States, by this article, would have infinite advantages from which our loyal colonies remain excluded; they would have advantages even against Great-Britain and Ireland, from their proximity of situation to the islands, cheapness of labour, and frequency of voyages. Besides, they would supply our islands with all manufactures now sent from these kingdoms; he instanced the hat trade, for which they possess all the materials, the oil trade, spermaceti candles, provisions, fish, &c. And, he observed, that the loss of some of these branches would peculiarly affect Ireland. But the worst was still to come; they would gradually, and in a course of years, possess themselves of the carrying trade; and he accordingly stated the collection and progress of an assorted West-India cargo from North America to the islands, and thence to Europe, to bring back for the supply of these islands a supply of German linens and Dutch teas. Thus, he said, the kingdom would gradually lose the great nursery for its seamen, and all the means of manning ships in times of emergency, and would thus decline and languish during peace, and be helpless and dependent during war.

On the clause with regard to exports, he stated the difficulty of allowing drawbacks to a foreign state, when the old safeguard of certificates was lost.

He said that all these sacrifices were made without cause or probable advantage, and if they were reasonable on an established system, he still could not think them either wise or becoming to be tendered without a confidence of any return; He supposed that his national pride must sink with the sinking pride of the nation; but he was not yet brought so low as to be reconciled to the modern plan of gratuitous and endless concessions. He would only observe, that if so many objections were obvious to a mere individual, it might be presumed that there were many more which would not escape the ingenuity of millions interested in using such a bill against all the nearest and dearest interests of these kingdoms.

Having thus stated some of the objections that occurred to him against the bill, it might perhaps be expected that he
should

should suggest some better plan for opening the intercourse ; to that, however, he professed himself unequal ; but still, if he might venture to give an opinion, it would be merely that the prohibitory acts should be repealed ; and that the King in Council (not the Cabinet) might be vested with powers, for six months, to suspend, from time to time, as he should see cause, such laws as he should find to stand in the way of an amicable intercourse ; this would obviate his objection relative to Ireland ; the treaty of commerce might, in the mean time, go on ; and a reciprocity of advantage might be made the ground-work of a permanent treaty : at present, the bill before the House would place the advantage all on one side, and perhaps drive us afterwards to the disagreeable and dangerous necessity of repealing what we were now going to enact.

Captain *John Luttrell* rose, and said, that he really could not consent to the Speaker's leaving the chair, for the purpose of committing a bill of such vast importance (pending this kind of ministerial interregnum) unless the right honourable mover, or the gentlemen of the long robe, who sat near him, would avow themselves to be answerable for the consequences of it ; he thought, in truth, they ought to be so, because he feared we had to lament the necessity of its introduction, as proceeding from their inattention and neglect ; but still should a change of ministers take place, while the bill was on its passage through either House of Parliament, it might, perhaps, be said by one set of men, that it had proceeded too far, when they came into office, for its progress to be stopped ; and by the other, that had they not retired, the objectionable passages would have been corrected in due time ; thus whatever fatality might attend it, none were to be answerable. He wished, that mutual convenience might issue from our traffic with America, but he was sure, that this country had not yet obtained mutual advantage ; we had granted to America a right to fish, not only at Newfoundland, but on all the coasts, and in all the harbours, rivers and creeks belonging to his Majesty's dominions in North America. No such advantage was obtained for our people to fish on their coasts ; and he would put this question to the right honourable member, Had he required from them any security that the commerce of this country should not be put on a worse footing than that of other nations ? Such stipulations had heretofore been made between us and Spain, and between us and Portugal, when

Capt. John
Luttrell.

it was not so necessary : and although our West-India planters might hope to find vent for their super-abundant produce in North-America, if the duties on the imposts of British ships were to be higher, (which he had too much reason to believe would be the case) than those of the French, Spanish, or Dutch, we must fail in that expectancy. We had, it was true, prohibited the Americans from drying their fish on the island of Newfoundland, but we had permitted them to do so on that of Cape Breton, a very small part of which was settled ; it was certainly as convenient for the purpose, and as much in the vicinity of the best fishing banks, and they would thereby be enabled, by the additional favour of this bill, to come to our own markets before us, and greatly to undersell us, who must have the expence and delay of a voyage to make out, as well as home. Thus coupling the extensive right of fishing, the Ministers had given to France, with what the Americans would enjoy ; who did not see, that the nursery for seamen, and the valuable trade of that country, would dwindle into inconsiderable gain at best, even if we could sell on as good terms as the Americans, which he held to be impossible ? Then how could he approve the principle of the bill, unless the right honourable mover could justify it on the ground of necessity, or shew that it was likely to coax the Americans to give us something like equal advantage ? Was he or the learned gentlemen sure they duly considered the matter ? Was the measure sanctioned by the opinions of great commercial characters, which in a question of this sort he should most respect, if they went merely on their own judgment, much as he suspected it on professional points ; he thought that of a right honourable member, who stopped the too hasty career of the bill a few days ago, was the safest to follow ; he told them, and he told them truly, this bill once passed, they were shut out in a manner from future regulation ; farther encouragement to trade might certainly be held out on both sides, but they could not well abridge the privileges they give by this bill, although it should operate to the prejudice of English merchants, and prove the destruction of the nursery for seamen. He really thought, from the effect it must have, if passed in the way it was now offered, the sheet, which contained the clauses, would probably be big enough to cover and convey away all the American trade from this country ; but still, if the honourable gentlemen, or any such respectable characters, would be answerable for

for all the consequences, he was content to go into a committee on the bill, if nor, he really thought it was time to address his Majesty, to be graciously pleased, either to persuade the gentlemen who then sat on the Treasury-bench, to remain there as ostensible people, or to vacate it for those, if any such were to be found, as would accept their employments, and give an official sanction, as well as consequence and stability to the proceedings of Parliament, not only in the progress of this bill, but the mutiny bill, and others of nearly equal consequence, which called for their fullest and earliest consideration. He said, the objections, which on a cursory view of the bill, he had to the clauses it contained, he would offer in the committee, whenever it went there, which, however, he hoped it would not do, until some person could be found in a long gown, to adopt such a child as his offspring, and to bring some coadjutors, who would consent to stand as sponsors.

Mr. *Chancellor Pitt* said, it was a little surprising to him to hear it seriously argued, that the Speaker should not leave the chair, in order for the House to resolve itself into a committee on a bill, undoubtedly, as it had been well expressed by a right honourable gentleman opposite to him, the most complicated in its nature, and at the same time the most extensive in its consequences, that ever had been submitted to the consideration of Parliament; a bill too, that had been anxiously, loudly and repeatedly called for from all sides of the House. The honourable gentleman who spoke last, and who seemed on all occasions extremely desirous of giving his opinion of the politics of the times, had thought proper to allude to the present unfortunate situation of Government. The House would, he believed, give him full credit, when he declared, that no man in the country felt that situation more irksomely, or lamented it more sincerely than himself. It was well known, that he did not consider his present situation, as that of a person permanently a Minister; he held it simply till a successor was appointed, and no gentleman, of any party, could look forward to that moment with more eagerness than he did. In the mean time, however, painful as the task was, and disagreeable in the extreme as the House would naturally conceive he must feel it; he thought it his duty to carry on the public business with as much dispatch and attention, as his judgment and abilities would enable him to give it. With regard to the bill in question, situated as he had described himself to be,

Mr. Pitt.

he felt very forcibly how much the subject pressed, and that some bill ought to be produced, and submitted to the consideration of that House, with as little delay as possible. He had, therefore, as well as the small portion of his leisure would allow, and as fully as his little share of knowledge of commerce would enable him, turned his thoughts to the subject of the present bill; but he did assure the House, he had been far from feeling the presumption, that he should be able at any time, much less under the present unfortunate circumstances of the country, and under those other circumstances he had described, to produce a bill of that vast and comprehensive nature, fit to pass into a law, and which would not acquire very considerable alteration and improvement indeed. But the honourable gentleman had called for some minister to be responsible for the bill; was the honourable gentleman aware, that in the strict and proper sense of the word responsibility, no Minister in the most complete and settled state of Administration was responsible for the effect of an act of Parliament. Where the exigency of affairs made a new law necessary, with regard to the regulation of the commerce of the country, it was the duty of his Majesty's Ministers to take proper information upon the subject, and to bring in a bill, adapted, in the best manner that they were able to adapt it, to the nature of the case in question. Having done so, it rested with the House to adopt or reject, to alter, amend, or modify such a bill, according to their wisdom and judgment; and therefore, with regard to the present bill, the honourable gentleman was to be full as responsible as his Majesty's Ministers; if the bill passed into a law, the legislature would then bear the responsibility of it. Mr. Pitt said, he was by no means tenacious of any part of the bill then under consideration, he trusted that every gentleman of every description, and on all sides the House, would concur in opinion that some bill was indispensably necessary. He laid the bill before them, therefore, that it might be moulded and modified in such a manner, as should render it practical and useful. It had been said, that by the bill as it stood, we gave America much, and were not sure of receiving any advantage in return. From the nature of the case, the bill was necessarily an experiment, and what was worse, an experiment hazarded in a great measure upon conjecture; both the difficulties arising from that circumstance were unavoidable. It was still farther highly probable, that the government would pass into

other hands, before the bill could go through both Houses. This was indisputably an additional inconvenience; the case, however, under all its difficulties, must be met fairly; and he trusted, that from a due consideration of the state of the country, there would on this point, though he feared it might not be easily obtained on any other, be a real coalition, and that the House would unite its abilities in rendering the bill as perfect and as practicable as possible. He solicited the assistance and the information of every gentleman present, and as the bill was not only a common cause, but a cause perhaps of higher importance than ever before called for the judgment and wisdom of the House, he flattered himself there would that day be no desire expressed, but how the bill might be moulded and modified, so as to be likely to prove most useful at home, most acceptable in America. Mr. Pitt said, the bill, as it stood, doubtless had many imperfections, and he perfectly agreed with a right honourable Baronet opposite to him [Sir Grey Cooper] that for that very reason it ought to go to a committee.

Mr. *Burke* laid at the door of Ministers all the mischiefs Mr. Burke that were apprehended, and might arise from the bill; they were to be all ascribed to their neglect; and it was astonishing indeed, that in the course of *seven months* negotiation with the American Commissioners at Paris, not one commercial regulation to form an intercourse between the two countries, had ever been so much as talked of. The interregnum which had now actually shewn itself, he feared had taken place many months ago, at least there had been, it was obvious, an interregnum of all attention to duty, and all regard for the first and most important interests of the country, when the provisional treaty was negotiated at Paris. To that interregnum, he verily and in his conscience believed, were owing the difficulties the House laboured under at that moment. Had not his Majesty's Ministers been guilty of the fatal neglect of not preparing and providing an article for the future regulation of the commerce of this country and America, when they negotiated the treaty with America, the House would not then have felt itself embarrassed as it did, how to proceed with the present bill. Mr. *Burke* said, when he had heard that Mr. Oswald was sent over to Paris as a negotiator, he took it for granted, is was to negotiate a commercial treaty. He could not possibly conceive, that when the noble Lord at the head of administration, had the most experienced geographer in the world
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at hand, that he would have pitched upon a merchant to negotiate a geographical treaty. That noble Lord, instead of applying to those persons, who could have given him some information about the fisheries, Mr. Holdsworth (member for Dartmouth) and Mr. Brett, had sent merchants into the woods, who could give him no assistance. The two negotiations having passed seven months without having done any thing for the commerce of this country, put him in mind of the two Irishmen; one of them being asked what he was doing, answered—*nothing*; and the other having been asked the same question, replied, *I am helping him*; so that it looked like *cross-reading* (alluding to Mr. Whitford's propensity and talents) to see men's talents, which nature designed for one line of business, employed in another, for which nature had not qualified them. This surely was singular conduct in Ministers: but this was not all; for the provisional treaty, such as it was, was signed on the 23^d of November, and yet no plan, no system of commercial intercourse had since been formed; but in the month of March, a crude and undigested bill was brought to Parliament, without any previous communication with the Americans. However, such as it was, considering the necessity of the times, he would support the principle of the bill, though he disliked the clauses. Mr. Burke displayed a great deal of humour in comparing this country and America to a man and a woman courting; he said, the present bill was somewhat like a courtship, if any were to take place between himself and a lady, where the natural order of things would be reversed, and the lady would have much to give, he little or nothing to return. So, in the instance of the bill before the House, Great Britain was extremely fond in her wooing, and in her love-fit was ready to give largely; whereas, to his knowledge, America had nothing to give in return. A right honourable member, who had displayed an uncommon degree of commercial knowledge, was afraid that we should lose our manufactures, by the emigration of our artificers, and the exportation of our working tools; as to the latter it was really not worth mentioning; it was one of the puerilities of our laws to forbid the exportation of manufacturing tools; but this was a farce; we might as well attempt to prevent the making of hay in America, by forbidding the exportation of scythes. As to the emigration of artificers, he did not think it possible to prevent it; nor indeed would it be very wise to attempt it; but still he saw little danger from this of
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our losing our manufactures : it was very well known, that before the war, 8000 persons used to emigrate in a year from the north of Ireland to America, and yet there never was a linen manufacture set up there ; the reason was obvious ; these persons betook themselves immediately to agriculture, and the grazing of cattle. The cheapness of land, and above all, the idleness which necessarily attended upon the cheapness, and which was the great and principal boon that America held out to emigrants, naturally prevented men from thinking of manufactures ; and while there was an immense extent of territory, of nearly 900,000 square miles, to attract the attention of the inhabitants to agriculture, we had no reason to apprehend that they would be able, for a very long time indeed, to rival us in manufactures. As to the provision trade, the American had it always, for they supplied the islands for years back with provisions ; the loss of the sugar trade indeed would be a heavy loss, and perhaps it must be lost one time or other, but he did not apprehend that the loss was near at hand. As to Russia, he did not think that she could have any right to be offended ; she had a right, indeed, to be treated as the most favored nation of any in existence, at the time the treaty was made ; but the case of America was a new case ; it was a nation *sui generis* ; and therefore was an exception to the treaty, and consequently might be treated better than Russia, without any breach of treaty. Ireland might be said to be an independent kingdom, and yet no nation had ever expressed a jealousy at her ships being more favoured in this country than any other. With regard to Ireland herself, he had not a doubt but she would readily adopt any commercial regulations that England might, in this instance, be under the necessity of making. The principle that he wished to lay down, with respect to America, would be not to treat her subjects as aliens ; he would rather still treat them as fellow-subjects, as far as he could ; and establish his regulations rather by an improvement of the old commercial system, than by an introduction of a new one. By the old laws, it was necessary that the American ships should be registered, and bring their certificates with them ; now he would have all prohibitory acts, and all those relative to the registering, repealed, and leave the American vessels in every respect as they were before, in point of trade.

The *Solicitor General* (Mr. Arden) said, he and his learned colleague had been called on in an extraordinary way, to be responsible

The *Solicitor General*.

responsible for the present bill. That requisition he was by no means disposed to comply with, because he pretended to know nothing of commerce, upon regulations of which the present bill was wholly founded. All the concern that he had in the measure, was in adapting such principles as were suggested to him, to the law, as it stood in the various statutes that had relation to the object of the bill. When he was called into his Majesty's service, he did not expect that he was to take upon him the responsibility for commercial systems, of which he had no knowledge; much less did he think, it would be expected that he should go a courting to America; he was very facetious in his playing on the idea of his being appointed to make love to America, and said, that surely if Great-Britain wished to succeed, she would appoint a man of more gallantry and better appearance than him to be the wooer. Mr. Arden, after this proceeded to an explanation of the objects, that had been held chiefly in view, in modifying the bill into the shape in which it then stood, and stated circumstantially, the particular reasons that had induced him to word the clauses of it as they appeared in the bill. He said, he had been fully aware of the danger of throwing the carrying trade wholly into the hands of America, and had endeavoured to guard against it, and it would be found, that though America had an advantage given her by the bill, on her importation of her goods into this country, that she was disadvantaged with regard to her exports from hence. He pointed out the various difficulties with regard to the impossibility of preventing the West-India Islands from trading with America, and on account of many other considerations, and shewed how far the bill provided in those respects.

Mr. Fox.

Mr. Fox agreed with Mr. Burke in the propriety of this measure; he agreed with him also in charging ministers with neglect: he never could have imagined that the seven months negotiation had been about any thing else but commerce; for the independence being the very preliminary of the whole negotiation, he never could have imagined that the negotiation could have turned on any thing but commercial regulations.—He was almost of opinion, that the bill would amount to an infraction of the treaty with Russia, and also with Denmark;—and therefore the House ought to be very cautious how they proceeded: he was willing that the bill should go to a committee, that the most exceptionable parts

parts might be amended. At present the House was laid under very great difficulty ; there was ample ground for censure, and yet it would be extremely hard to censure the right honourable gentleman, who certainly was in no shape to blame. Mr. Fox talked of the strange idea of thinking the business of Government could be conducted in that House, unless some person high in office, and fully responsible as a Minister was in it. If the country was to remain as it was, the wisest way would be for that House, upon all great and important considerations like the present, to chuse a small committee, consisting of four or five of its best informed members, to make the necessary enquiries, and having grounded a bill upon the facts, to bring it into the House for their discussion and improvement. Mr. Fox thought the present bill an infraction of our treaty with Russia, and pointed out a variety of imperfections, which rendered it indispensibly necessary that it should go to a committee. He said, his idea corresponded with that of his honourable friend below him, [Mr. Burke] viz. that it would be wise to introduce as little new law as possible into the bill.

Mr. *Hammet* rose to oppose the Speaker's leaving the chair, Mr. Hammet. as he was convinced, if the bill passed into a law, it would prove the ruin of our marine, and be otherwise of the most pernicious consequences. He insisted that it was giving every thing, without the least agreement for the smallest return. He rather wished a new bill might be brought in for repealing all the Prohibitory acts, with a clause for continuing the trade in the same manner as before the separation of the Colonies, which he thought would answer all the immediate purposes of trade. He made a great difference between repealing old laws, and leaving things as they were, and making new ones, which we might have great occasion to repent of. He disapproved of motions made in the House, however wise or salutary, on the business of America, as he was of opinion the new regulations which must be necessary, were rather subjects of private negotiation on the footing of reciprocal advantage, and which, when made, might be properly considered and confirmed by Parliament. He said, if the bill then before the House passed, whenever we came to recede from it, it must be the subject of quarrel and dispute; and he thought it impossible to be permanent, for if it continued long, it would prevent our building ships, it would lessen the number of our seamen, and consequently diminish the natural strength of this island. He said, he was of opinion,

that by wise measures and negotiations, we might, on the principle of give and take, recover our trade and advantages equal to the time when we were fellow-subjects, and without the expence which attended their being a part of the same empire. He begged pardon of the House for the trouble he had given; but thought it his duty to offer his sentiments on the business, having been in America, and formerly concerned in their affairs, by which he presumed he had gained some useful knowledge.

The Lord Mayor.

The *Lord Mayor* said a few words; the chief purport of which was to recommend again that something be done immediately to open the trade, which was at a stand.

The House then resolved itself into a committee, Mr. Ord in the chair.

In the committee many gentlemen rose to comment upon the several clauses, and propose alterations.

Mr. D. Hartley.

Mr. *D. Hartley* proposed, that the words "or to prohibit any intercourse between the same" be omitted in the first clause, in order to introduce a new clause, expressly repealing all the prohibitory acts.

Mr. Eden spoke to this, and to various other points.

Capt. Luttrell.

Captain *Luttrell* rose in the committee, to beg from the Solicitor-General an explanation of the words "regulate the commerce," viewing them in a different light from what he thought they had been hitherto considered, namely, if they did not extend to release the Americans from giving such security as they have usually done, and as British ships bound to such part of America as we are still possessed of, are now compelled to do, that they will carry the goods, for which they receive drawbacks, to the place they clear out for, and not to smuggle them again into this country. He expressed a hope that the committee might adjourn, fully to consider the clauses of a bill, which, if hurried through in its present shape, might prove fatally prejudicial to this country.

Other gentlemen spoke, and at eight it was agreed that the chairman should rise, report a progress, and ask leave to sit again.

March 10.

Lord Newhaven.

Lord *Newhaven* moved, that there be laid before the House copies of the last dispatches from Sir Guy Carleton, relative to the state and particulars of the negotiation between him and the Congress, on the subject of the Loyalists. His Lordship said, that he had refrained a considerable time from making

making this motion, from the consideration that it might be improper to introduce any important discussion into the House at a time when there was no Ministry in the country ; but he was no longer swayed by that consideration, as he saw matters of the greatest moment agitated in that House ; but most particularly he saw the American intercourse bill in its progress ; and from this very circumstance he thought himself justifiable in making his motion at present. By that bill we were going to do a great deal for the Americans ; it was fit to see, before the bill should be passed, whether they intended to do any thing for us, or for the Loyalists.

Mr. Ord observed, that as there was no Minister in the Mr. Ord. House, it would not be proper to proceed in so material a business ; the noble Lord might at some other period, when Ministers would be in their places, make his motion. Lord Newhaven asked in an under voice across the House, whom he meant by the word Ministers ? — Mr. Ord answered, the Chancellor of the Exchequer, and the Commander in Chief ; and as neither of these was present, he said he would move the order of the day ; and he moved it accordingly.

Lord Newhaven said he would not press the motion then, Lord New- but would withdraw it ; wishing to have it understood at the haven. same time, that he postponed the question, but with an intention to bring it forward again. — The order of the day was then read, for referring the Ordinance estimates to the committee of supply.

The House accordingly formed themselves into a committee, to which the following paper was referred :

Report on the Estimate of the Ordinance for the Year 1783.

The Estimate for the Ordinance, which I have the honour to lay before this honourable House, being very different from those which it has been customary to present, I think it my duty to submit the grounds upon which I have thought necessary to deviate from the plan of former estimates.

The two main objects of estimates seem to be,

1st, To know what will be the whole amount of the expence for the year.

2dly, To have a distribution of that expence under distinct articles.

But the Estimates of the Ordinance, as hitherto presented, do not appear to me to answer either of these ends.

The arrangement of Ordnance Estimates has been very properly made under three heads, viz. The Unprovided, the Ordinary, and the Extraordinary.

The Unprovided is not properly an estimate, but an account of debt incurred in the preceding year without the authority of Parliament; and consequently ought to consist only of such very few articles as could not be foreseen, but which emergencies made necessary to provide.

The Ordinary and Extraordinary form the Estimate for the ensuing year.

The Ordinary should contain a true account of the whole establishment and expences that are of a permanent nature, and likely to occur every year.

The Extraordinary should contain a computation of such expences as are temporary, together with the probable cost of new works.

To what degree the Estimates hitherto delivered have been correct materials to shew the whole expence necessary to be provided, will be seen by comparing the Ordinary and Extraordinary for some years past with the exceedings that appeared in every subsequent year under the head of Unprovided.

If the Ordinary and Extraordinary had been formed upon just calculations, the exceedings under the head of Unprovided in a subsequent year could have been but trifling; whereas it appears, that for the last seven years the Unprovided has upon an average exceeded, by 116,924l. 8s. 4d. in each year, both the Ordinary and Extraordinary put together; so that in fact the requisition to Parliament has every year been considerably less than half the sum really wanted.

But even this subsequent charge of Unprovided by no means closes the account; as a statement of debt, it ought to state the whole of the debt, but it does no such thing: a large arrear of undischarged debentures remains behind till the end of the war, when there appears a vast debt, of which Parliament has not had the least knowledge, either as to its extent or causes, although it has been continually accruing, whilst estimates and incomplete accounts of debts have been yearly presented.

This debt, at the close of the last war, was 595,423l. 2s. 5d. It is now near three times that sum.

Besides these defects in the general statements of the Ordnance Estimates, they are equally deficient in giving either a distinct or genuine account of the articles that are stated.

One

One article in the Ordinary is called, "The Ordinary of Office, comprising repairs of store-houses, magazines, barracks, platforms, carriages, stores for garrisons, rents, salaries, and incident charges." So strange a mixture of heterogeneous matter seems rather to confuse than explain, and moreover is not a genuine account of their cost, which appears to have constantly and considerably exceeded the charge delivered to Parliament. This charge in the estimates has uniformly for many years been identically the same sum of 36,092l. 7s. 6d. although the expence of office has been increasing, although repairs and incident charges must from their nature be continually varying, and in fact the actual expenditure has been 69,325l.

From these observations it appears, that the whole of the Estimate on the former plan cannot be satisfactory; charges are made under various heads for money; but the articles for which it is voted have no specific relation to the real expenditure. A gross sum is obtained for land service, which, together with that received for sea service, forms an aggregate fund, from whence various expences, very different from those in the estimate, are in part defrayed, and what can best wait accumulates as a debt, hereafter to appear in one lumping sum before Parliament, in the shape of out-standing debentures, unaccompanied with any account to shew how it has been incurred, or how the money has been actually employed.

The present Estimate endeavours to avoid these defects. It begins by stating the actual debt, made up as correctly as could be collected, amounting to 1,724,503l. 11s. 1d.

It next states, under the head of Unprovided, the exceedings in 1782 beyond the grants of Parliament, which, from the deficiency of last year's estimate, were unavoidable; but notwithstanding the vast demand for Gibraltar, they have been kept so within bounds, as to be by 80,464l. 12s. 10d. less than they were the year before.

The distribution of this expenditure in the Unprovided, formerly made under the head of the several articles supplied, is now arranged under the head of places where the same has been incurred, which it is presumed will appear more distinct. The whole of this article amounts to 819,259l. 2s. 9d. which when paid will reduce the debt to 905,244l. 8s. 4d. And this, from the most accurate calculations which the office could produce, closes the account, and, it is believed, leaves no arrear whatever behind.

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The Ordinary of the present Estimate brings forward the whole establishment of office of every kind, and divides it, with much greater accuracy than heretofore, under the distinct head of places where the expences were incurred. It amounts to 233,363*l.* 6*s.* 11*d.*

Under this head it may be proper to observe, that various salaries, in the civil establishment, have received an augmentation of 1973*l.* 16*s.* 4*d.* since last year, in order to give competent incomes to the persons employed in lieu of perquisites, private fees, and private agencies, all which are now entirely abolished. But this increase of 1973*l.* 16*s.* 4*d.* has, by the savings made in consequence of new regulations for the conduct of proofs of powder and ordnance, and by restraining the expence of coach-hire, messages, and other articles, been reduced to 964*l.* 15*s.* 3*d.* in present; and when the salaries of sundry offices now suppressed, amounting to 1170*l.* 7*s.* 6*d.* which are to cease with the present possessors, shall fall in, there will be no excess, but a saving of 205*l.* 12*s.* 3*d.*

The corps of engineers, composed entirely of officers, which forms another branch of the Ordinary, it is supposed will be thought necessary to be kept up.

The royal regiment of artillery, immediately before the war, consisted of four battalions of eight marching companies and two invalid companies each; since which, each battalion has been augmented, one to eleven, and the three others to ten marching companies, and the invalids have been formed into a separate battalion; also consisting of ten companies. The establishment now proposed, leaves the same number of battalions and companies, except one, but reduces one officer and forty-eight men per company from the war establishment of last year. The reduction of men will be amongst the matrosses only, preserving the serjeants, corporals, bombadiers, and gunners, who are the best men, and many of whom would be entitled to pensions on their discharge. This reduction will produce a saving of 37,917*l.* 8*s.* 4*d.* per annum, which will take place in July next; and a farther saving of 9976*l.* 13*s.* 4*d.* will be made by supplying the vacancies of serjeants, corporals, bombadiers, and gunners, with matrosses only, till the establishment of each company is reduced to two serjeants, two corporals, three bombadiers, fifty-three matrosses, and two drummers.

It is farther proposed, as fit men can be found, to employ a considerable part of the regiment as artificers and labourers

in the Laboratory, in making gun-carriages, and in other works at Woolwich, Purfleet, and the out ports, giving them only half of what is now paid for such business; whereby it is computed, that a saving from twelve to fifteen thousand pounds a year may be made; the duty will be more regularly performed; and the regiment will have a body of artificers, always much wanted on service.

The superannuated list is a great, but unavoidable expence; a variety of pensions and useless offices, which appeared in different articles, are now brought altogether under this, and they will cease with the present possessors. But the greatest part of this expence is owing to the necessary consequence of a long war and severe service operating on a large establishment.

The Extraordinary amounts to 397,249l. 5s. 11d. This charge may be divided under the following general heads; viz.

	£	s.	d.
The remains of the war - - - - -	189,646	8	11
Common incidents - - - - -	54,827	7	11
Fortifications abroad - - - - -	19,100	0	0
Fortification in Great-Britain - - - - -	101,192	11	9
Buildings in Great-Britain - - - - -	32,482	17	4
	<hr/>		
	£ 397,249	5	11

The first of these will entirely cease with this year, and the second will probably be considerably diminished.

The fortifications abroad may increase.

The fortifications at home depend upon the system that may be adopted. At the close of the last war, the few field works that had been thrown up, were totally neglected, and suffered to go to ruin; the consequence of which was, an immense sudden expence at the breaking out of this war. An opposite extreme of fortifying every where has been since pursued.

It is at present proposed to confine future works to the principal dock-yards. It is computed, that to render Portsmouth and Plymouth compleat, will require 4 or 500,000l. which at 50,000l. per annum, will be done in eight or ten years. The sum of 46,384l. 13s. 3d. is asked in the present estimate for new works. The other sums for fortifications are only for repairs and improvements of old works, and to finish such works in various places as are nearly done, or may

may be in some degree compleated at a small additional expence, without which, that already laid out would be entirely thrown away

The buildings, consisting chiefly of magazines and store-houses, are unavoidable.

Every expence that is probable to occur, is now brought forward in the estimate, and it is hoped and believed, that, under proper restraints, it will be found sufficient to answer every purpose, without being obliged to recur to Parliament next year for any aid under the head of Unprovided, unless services totally unforeseen may arise.

The expence of a sea service must remain uncertain until it can be entirely separated from the land service ; to make this distribution, will require much time and arrangement, and some additional buildings. But when this desirable object is attained, the expence of sea-service may, as well as that for land service, be ascertained with precision, and the debt on that account (if any) will appear.

In addition to this estimate, there seems wanting an account to shew how the money granted has been actually applied towards the services for which it was voted. Such an account for last year will shortly be laid before Parliament ; but, for the reasons above stated, cannot be so accurate this year, as it hereafter may be made.

It is earnestly hoped, that provision will immediately be made, for discharging, in some certain period, the debt of the Ordnance, which now so greatly depreciates the value of debentures, and renders all contracts depending on such uncertain payment so disadvantageous to Government.

When this debt is put into a regular course of payment, all future bargains may immediately be made with ready money, which has been found by experience to produce, in many instances, a saving of from twenty to thirty pounds per cent.

A farther benefit will arise to the public from the method of dealing by open contract, as will appear by the considerable reduction of price, made even under the disadvantages of the present mode of payment, in the following articles, viz.

The new contract for horses, reduced from 1s. 9d. to 1s. ½d. per day per horse ; with several other circumstances very advantageous to Government.

Copper hoops, reduced from 135l. 6s. 8d. to 102l. per ton.
Shot

Shot from 11l. 15s. to 10l. 6s. per ton.
 Match from 23l. to 16l. 5s. per ton.
 Powder barrels, whole, from 3s. 9d. to 3s. 2d. each.
 Ditto, half, from 2s. 6d. to 2s. 2d. each.
 Purbeck Stone, from 10s. 9d. to 10s. 8d. per ton; to be paid in six months, in course of office.
 Sand bags, bushel, from 8½d. to 7d. each.
 Small arms, Dutch, from 1l. 7s. 6d. to 1l. 1s. each; to be paid in six months, in course of office.
 Brass work for musquets, from 1s. 2d. to 1s. ½d. per lb.
 Wheelbarrows, from 14s. to 11s. 6d. each.
 Handbarrows, from 4s. to 3s. 3d. each.
 Iron spades, from 1l. 16s. to 1l. 13s. per dozen.
 Iron shovels, from 1l. 16s. to 1l. 15s. per dozen.
 Saltpetre, from 115l. to 72l. 7s. per ton.
 Shells, 13 and 10 inch, from 13l. 15s. to 12l. 6s. per doz.
 Ditto, 8 inch, from 14l. to 12l. 6s. per dozen.
 Ditto, 4 2-5ths inch, from 17s. 6d. to 14s. 6d. per cwt.

The savings on these articles must depend on the demand; and according to that of the last three years, would have amounted on an average to 95,380l. annually.

R I C H M O N D, &c.

Master General of the Ordnance.

Mr. *Steele* moved, that the order of the day for the House to resolve itself into a committee of supply be read. The order being read, the Speaker put the question, "that he do leave the chair." Mr. Steele.

The Chancellor of the Exchequer coming into his place, Mr. *Hussey* rose to mention, that it was reported without doors, that the cashier and the accountant of the Pay-office had been dismissed from their respective offices, in consequence of some communication made by the Board of Treasury to the Paymaster general. He begged to know, if the fact were so, and if there was any objection to laying the minutes of the Board of Treasury, when the matter in question was under their investigation, before the House? Mr. Hussey.

Mr. *Chancellor Pitt* said, the fact was exactly as the honourable gentleman had stated it to be, and that he had no objection whatever that the minutes of the Board of Treasury should be laid before the House. Mr. Pitt.

Mr. Hufsey. Mr. *Hufsey* was urgent to make a motion for the purpose, but the Speaker reminded him, that no such motion could then be put, another question being under the consideration of the House.

Mr. Kenrick. Mr. *Kenrick* then rose, and desired, before the Speaker left the chair, to make a few observations on the report of the Board of Ordnance, signed with the name of a noble Duke. Mr. Kenrick accordingly went into a train of reasoning upon the Duke of Richmond's report, answering most of the arguments urged in that paper. Unfortunately Mr. Kenrick spoke in so low a tone of voice, that we could not hear enough of what he said, to do more than declare, what we conceive to have been the general tendency of his argument.

Mr. Minchin. Mr. *Minchin* rose and differed from the honourable gentleman in opinion. He said he had repeatedly complained of the manner in which the public estimates had usually been laid upon the table. They had been called upon to vote away the public money, without having accounts before them to prove, that the estimates for which they were to vote, had any foundation. He thought the noble Duke entitled to very great praise for having set the example what sort of estimates ought to be laid before Parliament. In his mind, the public accounts should always precede the estimates for which they were to vote, and to vote in any other manner was to abuse their trust as guardians of the public purse.

Mr. Courtenay. Mr. *Courtenay* rose; he said that the report from the noble Duke at the head of the Ordnance glanced such charges against the last Board, and the noble Lord (Townshend) who had presided over it, that justice to that noble Lord, and to the gentlemen who had acted under him, rendered it necessary that he should make some observations, to meet the prejudice that the report might create, against those who had not ill deserved at the hands of their country. The perspicuity, the perseverance, and the vigilance of the noble Duke, in watching public officers and ministers too, were not to be disputed; and he was ready to say, that the report was drawn up in a masterly manner, and wanted nothing to make it complete but fairness and candour: In these two points he thought it defective; and in order to prove he did not assert this without some ground to bear him out, he begged the House would favour him with their attention for a few minutes.

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The first article in the report stated, that by the new contract for horses, the price for each horse was reduced from 1s. 9d. per day, to 1s. 0½d. On this article he would say, that the contract for 1s. 9d. was precisely on the terms, with that which had been made many years ago by the late Marquis of Granby, when he was at the head of the Ordnance: A right honourable General in his eye, (General Conway) had also thought this a reasonable price, or rather an advantageous one, for he had also renewed the contract, when that which the noble Marquis made had expired. Here, therefore, were two precedents, which the noble Lord lately at the head of the Ordnance could not, and ought not to have thought it improvident in him to make the rule of his conduct in renewing the contract for horses. — But there was another reason for believing that at the time, the contract was not deemed disadvantageous to the public; and that was, that the contractor, finding it not advantageous to himself, had applied to the Board to be released from it; the Board however, thinking they had made a good bargain, refused to comply with his request; and told him that if he did not perform his engagement, he should be sued for the penalty of his bond. — It was true, that the Board would afterwards have annulled the contract, if they could; but having taken the opinion of the Crown lawyers on the subject, it was found that the contract, having been made for years, could not be voided. The noble Lord, therefore, who was last at the head of the Ordnance, was justified by the two precedents already quoted, for having made the contract; and his subsequent endeavours to break it, and make a new one more favourable to the public, would scarcely be deemed no less meritorious in him, than it was in the noble Duke to make a new contract, which he was enabled to do, by the expiration of the old. — The next article he should consider was that of the copper hoops, the price of which had been reduced in the contract made by the noble Duke from 135l. 6s. 8d. per ton to 102l. This reduction he could not, in justice, ascribe wholly to the care and vigilance of the noble Duke, but to a circumstance, of which it was impossible for his noble predecessor at the Board to have availed himself: the circumstance he alluded to was a fall in the market price of the article of copper: The price had fallen at least 15l. per cent. at once; and as it must fall still lower, on account of the peace, the new contract would have been unreasonably improvident indeed,

if it had not been infinitely lower than the contract made by the noble Lord, which, having been made during the war, must of course have been subject to the enhanced price occasioned by the war. The noble Duke and the noble Lord had each acted according to the circumstances of the times; the latter therefore had been under the necessity of treating for the articles he wanted at the war prices; while the former was enabled by the conclusion of the war, to make better terms, by purchasing at peace prices. If the noble Lord had been the successor, and the noble Duke the predecessor at the Board, the contracts would, in all probability, have been nearly the same as the House found them; and as there was no merit in having made peace contracts at peace prices, so there was no demerit in having made war contracts at war prices.

The next article that he intended to make some observations on, was the article of shot, which in the new contract had been reduced from 11l. 15s. to 10l. 6s. per ton. On this subject he would make a remark, that might be applied, not only to this, but to almost every article in the report: a great demand for any commodity necessarily enhances the value of it; on the other hand, the value of it falls, when the demand ceases to be great. This would account for a considerable part of the difference in price of the ton of shot: for the carrying on the war, an immense quantity was necessary; the demand of course was immense, and the price consequently bore a proportion to the demand: but now that we were at peace, we no longer wanted such great quantities of shot; and therefore the noble Duke was almost master of his own terms, and it would have been wonderful indeed, if he had not made a good bargain. But there was another way to account for its being so good; the contractor had agreed to take back in old shot, half the tonnage that he should furnish of new, and of this he knew how to make his profit. The price of match he found reduced in the report, from 23l. to 16l. 5s. per ton. This was a considerable reduction; but he would not hesitate to assert, that it was not a jot greater than ought to have been expected, all circumstances considered: it was well known, that except in time of war, this kind of match was of little or no use; and therefore, though when we wanted it, we were obliged to give a considerable price for it, yet when we ceased to have a great demand for it, those who had match to sell must of course offer it for very little or no profit; nay, they would sell it under

under prime cost, for this very obvious reason, that having no other market, but at the ordnance office, they must lie out of their capital till next war, or else agree to sell it on very moderate terms : it was to the peace, therefore, that we owed the reduction of this article ; and it was to the war that we ought to ascribe the enhanced price paid for shot in the contract under the last Master-general of the Ordnance. The noble Duke's report stated, that the price of powder-barrels had been reduced from 3s. 9d. to 3s. 2d. each. And here he must take an opportunity, he said, to observe to the House, what a want of candour and fairness there was in this article : it appeared, indeed, that there was a saving of 7d. on each barrel ; but did the report state, that the barrels for which the Master General gave 3s. 9d. were made of oak, and that those for which the noble Duke was to give only 3s. 2d. were to be made of beech ? He was sure the noble Duke had not sunk this small piece of information from any design of throwing blame on his noble predecessor in office, by shewing that he had wantonly thrown away so considerable a sum as seven-pence on every powder barrel would have made, but that it arose merely from accident, and not at all from any invidious view. But he must remark on this subject, that the noble Duke's saving on this article, would turn out to be a loss to the public : the noble Lord who had preceded his Grace at the Board of Ordnance, had the advantage of knowing pretty well from experience, what gunpowder was, and he knew how it ought to be kept : he knew that when it was not kept in oak barrels, it was hard to preserve it in long voyages ; and that consequently it would be a very false œconomy indeed to make use of beech instead of oak, in barrelling powder ; for beech was known to be a very porous wood, which of course would shrink and contract in dry, and would swell in moist climates ; the value of a barrel of gunpowder he understood to be 5l. he would therefore leave it to the House to judge which of the two had acted more wisely, the noble Lord who had given 3s. 9d. for a barrel made of Hambro' oak staves, the best calculated to resist both the heat and dampness of different climates ; or the noble Duke, who to save 7d. had purchased barrels made of a kind of wood the least fit in the world to resist the moisture and dryness of the air : the object to be preserved in each barrel was worth 5l. and the saving in the barrel only 7d. In the oak barrel the powder would be more secure ; in the beech barrel it would be most liable to be spoiled : the plain
state

state of the case was therefore precisely this ; that in order to save 7d. the noble Duke had run the risk of losing 5l. Yet he would presume that his Grace acted from the best motives ; for he could not suppose that he had any partiality for the beech that grew on the hills of Suffex. — The next article to be considered was that of sand bags, which, by the way, he must say, was an article that had never before been introduced into an ordnance estimate ; but this only *en passant* : on this article, however, he could not say as much in praise of the noble Duke's œconomy, as his Grace might perhaps expect ; for it seemed that what he had gained in one point, he had lost in another. It was necessary to observe to the House, on a subject so new to them as the estimate for sand bags, that the bushel sand bags were those for which there was the least use in military operations ; indeed, there was little or no use made of them : but on the other hand, there was very great use made of the half-bushel sand bags ; now it so happened, that the noble Duke had beat down the contractors in the price of the bushel bags, for which there was so little call, and had made it up to them in the half-bushel bags, by giving them a greater price for them than had been given by his noble predecessor at the board. And here it was necessary to observe, that it would have been no more than fairness to have stated the two prices of the two different kinds of bags, and nor lump them both in one ; for the House being uninformed of the circumstances, must be shocked indeed at hearing that the price of sand bags had been reduced from eight-pence farthing to seven-pence each bag : he declared that he could scarcely repress his indignation at a statement, which while it conveyed to the House the idea that the late Board of Ordnance had paid on the article of sand bags so much more than what ought to have been paid, struck immediately at the indignity and honour of a noble Lord who had preceded the noble Duke ; and who was second to no man in the kingdom for disinterestedness, and regard for the public interest. That noble Lord's contract, indeed, gave eight-pence farthing for every bushel sand bag, for which there was very little call ; and from the circumstance of their being but little call for them, there was less merit than might appear at first view, in the noble Duke's having saved a penny halfpenny on each : but the merit was totally lost, when it was considered that for the half-bushel bag, for which there was great call, the noble Duke had agreed to give two thirds of a halfpenny more than the noble

Lord,

Lord, his predecessor, used to give: and therefore, when this was taken into the account, the House would see in what point of view they ought to place a statement, that said there had been a saving of more than one half on the article of sand bags. He felt very little less indignation at the next article, relative to small arms, (Dutch) which stated a reduction in that article, from 1l. 7s. 6d. to 1l. 1s. each stand. To explain this matter, he must inform the House, that some years ago a combination had been formed at Birmingham, for raising the price of arms, and forcing, as it were, the Board of Ordnance to submit to such terms as the combination should think proper to impose. The noble Lord, then at the head of the Ordnance, laudably resolved to break the combination; and to this end, contracted for five thousand stands of arms in Holland, at a less price than was usually paid in England for English arms; but of the reduced price of the Dutch arms he made no merit, because they were inferior in quality to English arms. Nothing but downright necessity could have justified the noble Lord in sending to Holland for arms: but there was an absolute necessity for him so to do; for when he sent thither, there were only twenty thousand stands in the Tower; and the manufacturers at Birmingham refused to supply the Board, except at such extravagant prices, as it would have been madness in Board to comply with. So circumstanced, the noble Lord made a contract for five thousand stands of Dutch arms; and this contract produced the desired effect, for it broke the combination at home: the people of Birmingham, finding that the Board had ample resources in Holland, lowered their demands, and agreed to furnish any quantity of arms at reasonable prices. The person with whom the Board had contracted in Holland, made double the number of stands contracted for; this he did on speculation, presuming on the continuance of the combination, and supposing of course that he should find a market for them: but here he was mistaken, for the combination being no more, the necessity, which alone could justify the application to Holland, no longer existed, the people at Birmingham were at work for the Board; and therefore the noble Lord then at the head of it, having taken the five thousand stands for which he had contracted, refused to take any more; the contractor, thus disappointed of his expected market, pressed the noble Lord to take the remaining five thousand stands, at a still less price than he was to get for those which he had delivered on contract: in a word, having

having no other vent for them, he repeatedly offered them to the noble Lord, and would have taken almost any thing for them, sooner than have them left on his hands; but the noble Lord constantly refused to purchase them; first, because they were of an inferior quality; and secondly, because he had no occasion for them, having contracted for as many stands, then in hand, as would with the numbers in the Tower, make up eighty thousand. After the noble Lord had quitted his situation at the Board, this same contractor applied to the noble Duke, and offered his arms at one guinea per stand: his Grace was pleased to close with his proposal, and now made a merit of having purchased at a very cheap rate five thousand stands of arms, which his noble predecessor would not purchase on any account whatever, or he might have had them on his own terms. — The brass works for musquets were reduced from 1s. 2d. to 1s. halfpenny per pound. This reduction was very natural; for the peace had lowered the price of brass so much, that the reduction was not greater than ought to have been expected. — The wheelbarrows, and hand-barrows, the first, he believed, that had ever been wheeled or handed into that House, were to be furnished on the new contract cheaper than on the former; but it would depend on the nature of the wood of which they were to be made, as in the case of the powder barrels, whether this would be a saving or a loss to the nation. — But in the statement of the saltpetre contract, he discovered something so unpardonably unfair, that as he knew the noble Duke was incapable of a wish to mislead, he must take it for granted, he had been deceived and imposed on. The report stated that saltpetre had been reduced from 115l. to 72l. 7s. per ton. That is to say, that to the highest price ever given by the late Board of Ordnance on an extraordinary occasion, was opposed the lowest price that had given by the noble Duke: if this was a fair and candid statement, he would confess that he knew not what candour and fairness meant. He said it was unnecessary to call back to the memory of the House, the transaction of last year, relative to Mr. Townson's contract: it was very well known with what zeal the noble Lord then at the head of the Ordnance had resisted that contract; and that he did not rest satisfied, till the contract was cancelled, which Mr. Townson, indeed, of his own accord, very handsomely offered to do: the saltpetre, however, was necessary at the time; and it was purchased from that gentleman, who agreed to produce the original

bills

bills of lading, and to take ten per cent. profit for his trouble and risk. Another person had agreed to furnish the Board with 430 tons of saltpetre, but after 100 tons had been delivered in, it was found that the price was considerably above the market price; and therefore the Board paid for the quantity delivered, and would on no account take the remainder. But surely it was not from such circumstances as these, that it should be stated in a report to the House of Commons, that the price of saltpetre had been reduced from 115l. to 72l. 7s. per ton. What was become of the price paid by charter to the East-India Company for 500 tons, to be furnished for 53l. in war time? If the noble Duke had struck an average of four years back, he would have found the average price to be 81l. if for seven years, it would sink the average price to 66l. and consequently it would appear, that the average price paid by the last Master General of the Ordnance, during seven years of *war*, was 6l. less than in the noble Duke's *peace* contract. At all events, he hoped the House would see what little ground there was for the statement contained in the report.—

As for the three last articles of the report, relative to *shells*, he would say that the peace was one cause why the price in the new contract was lower than in the old; and another was, that old shells were to be taken by the contractors in payment of one-half of their demand.—From these observations, which he had taken the liberty to make to the House, he hoped gentlemen would see, what very little foundation there was for the assertion contained in the report, that, for the last three years, it was possible that 95,000l. might have been saved annually in the ordnance department:—an enormous deduction must be made out of that sum, for the extra estimate on saltpetre, which was stated at 115l. per ton, the price which had been given for only about 500 tons; which price being reduced to 81l. or 66l. as he said before, there would be a very large deduction indeed to be made out of the gross sum of 95,000l. as in order to make out that sum it was necessary to charge a vast number of tons, at 115l. instead of 66l. or at most at 81l.—The same principle of deduction must be observed in all the other articles; and then the House would find that the dark charge, obliquely conveyed by the report, against the last Master-General of the Ordnance, of having wantonly spent, for the last three years, 95,000l. of the public money, which he might have

saved, without cramping the service, would vanish in smoke.

Mr. Pelham.

Mr. Pelham said, there was no censure whatever intended against the late Master of the Ordnance, by the manner in which the estimates were stated. If they were contrasted with those which had preceded them, it was merely by way of accounting for what the noble Duke had done during the time he had been in office. He wished no reflection whatever, but in order to prove to the public that he served them to the best of his ability, it was necessary to draw a line between his conduct and that of the noble Lord whom he succeeded. He now went through some of the articles, which he endeavoured to make appear to be of as great advantage as stated. In particular he mentioned the powder barrels, which he contended were made of very proper wood for the purpose, as flour was in general kept in barrels of that kind of wood, and yet was never damaged by it, nor did he see any reason why powder should. He admitted that the late Board of Ordnance could not get rid of the contract for horses,

In answer to what Mr. Courtenay had said of the sand-bags, Mr. Pelham admitted, that the half bushel were dearer in proportion than the bushel bags, but he said, that the reduction really amounted in the bushel bags, to one penny half-penny, and in the half bushel bags, the rise was only about two-thirds of a half-penny. With regard to the shells, he said, Mr. Courtenay was mistaken in the idea of those lately contracted for being to be paid for, half in old metal, and half by bills in the customary mode. The fact was this: a great quantity of old metal lay about Woolwich warren, and it was thought proper to get rid of it; contracts, therefore, were publicly advertised accordingly. Among others who offered conditions, the Carron Company sent in two contracts; one for the casting of shells, to be paid for entirely and independently of the old metal; the other, as the honourable gentleman had stated, to be paid for half in metal, half otherwise; but the contract referred to in the table was the former, which had nothing to do with the old metal. Mr. Pelham also said something respecting the saltpetre, and having spoken to most of the articles touched on by Mr. Courtenay, said, the office had no wish to conceal any part of their conduct, on the grounds on which it proceeded, and that he was persuaded, the honourable gentlemen would do them
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the justice to acknowledge, that they had given him an immediate answer to every question, he had thought proper to ask, and refused him no satisfaction in their power to give; and perhaps it was not expected that this was to be the use made of it.

Mr. *Courtenay* said, that he had been at the office that morning, and that his reception there had been extremely liberal. Without any impeachment of his conduct, he nevertheless thought himself entitled to make his advantage of the information he had thus received. With regard to the shells, he had made no mistake; his declaration was, that about half of the new contracts were to be paid for, half in metal, half as usual. That declaration did not amount to an assertion that the Carron Company might not have contracted on other conditions. Mr. Courtenay.

Mr. *Steele* said the noble Duke, whose name was subscribed to the report, had not the most distant intention of suggesting a censure on his noble predecessor in office, or on the conduct of the Board, at which that noble Lord presided, but having made an estimate extremely different from those usually presented to the House heretofore, the noble Duke had thought it his duty to submit the grounds of his deviation from the plan of former estimates to the House; and in so doing, it had been necessary to state several of the articles in a table, with the price they were now contracted for, and the prices formerly paid, in order to shew the difference and the quantum of the saving made for the public. Hence, Mr. Steele said, wheelbarrows and sand-bags, which certainly were not articles usually introduced to the notice of that House, were thought worth mentioning, because though the saving upon each, singly, was but a mere trifle, yet the general saving amounted in the year to many thousands of pounds. Mr. Steele.

Mr. *Adam* went largely into the defence of the late Board of Ordnance. He argued particularly on the debt of that department. The noble Duke's report stated that the Ordnance debt at the end of last war, was no more than 395,423l. 2s. 5d. and that at the end of this war it amounted to no less than 1,724,503l. 11s. 1d. Now in order to understand this matter more clearly, the House ought not with the noble Duke, to compare one debt with another, without making a reference at the same time to the gross sums expended in each of these two wars, by the Board of Ordnance. The gross expence of the Ordnance Mr. Adam.

in the war ending in 1762, amounted to 3,000,000*l.* the gross expence of the same Board for the war ending in 1783, amounted to very near 10,000,000*l.* so that a debt of 1,724,503*l.* 11*s.* 1*d.* was very little greater, in proportion to 10,000,000*l.* than a debt of 595,423*l.* 2*s.* 5*d.* was to 3,000,000*l.* It was to be remarked also, that the hiring and paying of transports, which formerly, and even for two or three years of this last war, had been done by the navy board, had during the remainder of the war, been thrown upon the Ordnance Board, and accounted for the size of its debt.

Mr. Adam then commented on Mr. Pelham's speech, and stated, that he had not answered all the observations of Mr. Courtenay upon the respective articles of the table. With regard to the beech barrels in particular, the honourable gentleman had acknowledged the fact stated by the honourable gentleman near him, and had not said a word in reply to what had been urged respecting the difference of the price between beech and oak staves. That remark of Mr. Courtenay's, therefore, and all the others not answered, it was fair to suppose, were undeniably grounded. Mr. Adam said, the note annexed to the table, certainly conveyed a censure upon the late Board of Ordnance, as far as depended upon the ordinary construction of the wording it; but as it had been declared that there was no intention in the noble Duke, whose name was subscribed to the report, to suggest any such censure, certainly, all the argument that had been rested on that idea was done away. With respect to the mode of making out the present estimate, he thought the noble Duke entitled to great praise for the diligence and ability with which he had prepared it; and he said, he was somewhat flattered to find it built on an opinion correspondent with that he had mentioned when the ordnance estimate was last year under consideration, and which had more than once very lately been emphatically delivered by an authority that he long had, and ever should highly respect, viz. that as much as possible of the public expenditure ought to be put into estimates, and as little as possible left to extraordinaries. At the same time, he saw no reason why the new mode was to be considered as a reflection on the former Board of Ordnance any more than on any other office, whose estimates, from the commencement of the constitution, had been laid before that House in the way that the ordnance estimate

estimate of last year, and the year before, and for many years before that, had been prepared. The estimates for the navy service (the most favoured of any), Mr. Adam observed had constantly and uniformly been drawn up in the old way, and the Ordnance had evidently copied the Admiralty in their manner. With regard to the quantum of unfunded debt, that also had been unavoidably incident to the former practice of the two Boards in making up their accounts, and it was to be recollected, that the unfunded debt of the Navy and Ordnance would naturally increase in proportion to the increase of the public expenditure for each service. Mr. Adam argued, that though merit was due to the noble Duke at the head of the Ordnance, for having taken so much pains to prepare the estimate in a new and more satisfactory form than had been heretofore the practice, and though the noble Duke deserved praise for his endeavours to make contracts for the public on cheaper terms than formerly, yet the different circumstances under which the former contracts had been made, and other matters taken into the consideration, there was no ground whatever for saying, that the last Board of Ordnance had been remiss in their duty, or negligent of that constant attention which they owed to the public.

General Conway thought the whole of the debate disorderly; for the question was, "that the Speaker do leave the chair," and not one syllable had been urged against it by any one gentleman who had taken part in the debate. If those gentlemen who had any share in the direction of the last Board of Ordnance, wished to defend themselves and their friends, he did not blame them for so doing; but he could not help saying that there was no occasion for defence where there was no accusation, and he professed he could not see an iota of charge upon the last Board of Ordnance in the present estimate. Having altered the mode of preparing the ordnance estimate, and reduced the articles much nearer to correctness than ever was known to be the case in any former estimates, it was a matter of course for his noble relation to be desirous of shewing the superiority of his own mode of preparing the estimates, and making contracts; and it was impossible for him to do that effectually, without stating a comparison between the new and the old mode; but that surely did not necessarily imply a censure of his predecessors in office. To say for instance, that in the new contract for horses the
price

price was reduced from 1s. 9d. to 1s. and $\frac{1}{2}$ d. per day, was surely a very fair and a very true comparison; but it did not follow, that the last Board were to blame for the former contract made at another time, and under other circumstances. With regard to the salpêtre likewise, it was well known that a contract had been made for that article at so high a price last year, that the noble Lord then at the head of the Ordnance put a stop to it of himself, and gained considerable credit by so doing; there could be no idea therefore of throwing any stigma on the former Board by the comparison with respect to that article. Indeed, it must be acknowledged, that the noble Duke had with great industry, great ability, and with effect, produced a reform in the mode of doing the business of the Ordnance Board. Why, then, should that good work be depreciated by attributing any unworthy motives to the noble author of the report upon the table? The noble Duke, he was persuaded, would disdain raising his own merit in the eyes of his country, by an attempt to accuse others with conduct less laudable. The whole conversation, the General contended, had been irregular and disorderly, and, as was generally the case with all disorderly proceedings in that House, much had been said in the course of the conversation that ought not to have been said, before the House were in the committee.

Ld. North.

Lord North justified the honourable gentlemen for having gone into a defence of their conduct; but as it was now understood that no blame was intended, that there were many mistakes in the report, he did not see the necessity of their proceeding in their defence, as every shadow of a charge was done away. A few words were spoken on the point of order between Lord North and General Conway.

The
Speaker.

The *Speaker* said, it appeared to him that the House had not been in order, in speaking upon the subject of the report in the manner they had done; for that no matter introduced into a debate which the question before the House could decide upon, was regularly debateable. His idea was, that to have conformed to order, the House should have referred the report, together with the estimate, to the committee, and if any question had been proposed upon the report, by the committee, that question might have been agitated afterwards. This, he conceived, to be the strict rule of order, and, till the House instructed him otherwise, he should continue to entertain that opinion.

Sir

Sir Grey Cooper said, that it was not possible to adapt the present case to any known order of proceeding, because the report accompanying the estimate, made the case a new one. The report, however, it was to be remembered, had not been called for by the House; it was to all intents and purposes gratuitous on the part of the noble Duke, and therefore being a new matter introduced into the House, it was impossible to treat it otherwise than in a new manner. In his opinion, Sir Grey said, the House had taken the only fit opportunity of discussing it. Indeed it would have been impossible to have spoken to it with so much propriety at any other time. That the rule of order, generally speaking, was, as it had been laid down from the chair, was undoubtedly true; but then it had been laid down so strictly, that it would have been very hard indeed had it been so enforced.

Mr. Hussy wondered how the noble Lord in the blue ribband could say that every shadow of blame was done away from the last Board of Ordnance. The salt-petre contract was a sufficient source of blame. He asked if the noble Lord had forgot that they had given 115l. a ton for salt-petre? He asked also if the contract with Mr. Townson was also forgot, for salt-petre at 120l. a ton, when the East-India Company had their warehouses full, and would have sold it at little more than half the money? That contract, though not fulfilled, had been made; and if it had not been taken notice of in that House, the nineteen thousand pounds that had been saved for the public would have been thrown away.

Mr. Fitzherbert felt it necessary for him to say a few words on the subject of the report, which glanced a censure at a contract which he had held, for supplying the artillery with horses. Three successive contracts, he said, had been made, each for seven years, between the Board of Ordnance and a Mr. Warrington, of the Borough, at 1s. 9d. per day for each horse: these three contracts had been made by Lord Granby, Lieutenant-general Conway, and Lord Townshend, and all on the same terms. Some time after the last contract of the three had been made, Mr. Warrington died; and his widow, unable to perform the conditions of the contract, applied to the Board to be relieved from it: the answer given to her was, "that the Board could not think of granting her request, unless she should find a person who would undertake to perform the contract in her stead:" upon this she applied to him, [Mr. Fitzherbert] and he consented to bind himself to the performance of the engagements of the

the contract.. But when he afterwards found that he must, at ten days notice, have one thousand six hundred and seventy-three horses ready to take the field, and that they might be discharged in fifteen days, he repented of what he had done, and earnestly entreated the Board to release him from his engagements; but he was told that the contract was too advantageous to the public to be given up; and that he must perform it, or forfeit the penalty of the bond. He did not like to pay away 3000*l.* for nothing, and therefore resolved, if possible, to get the horses; he succeeded; but so far was he from thinking that he had gained a great point, in getting the contract, that he assured the House he lost every week 30*l.* on the wages of the drivers, for whom he received 8*s.* a-week from the Board, but to whom he constantly paid 9*s.* So that when the House should have considered the short space of time he had to provide near one thousand seven hundred horses; the short time that there might have been occasion for them; the risk that was run of the loss that might have been sustained in selling so great a number of horses, as well as the high price to be paid for them, in order to procure them speedily; and that 30*l.* were lost by him every week for drivers, they would not think that 1*s.* 9*d.* for each horse was a very high price. The noble Duke had advertised the contract for horses a few days before his contract expired; the proposals were to be made on the 2*d* of October last, and his contract expired the 10*th*; so that there were only eight days for the new contractors to procure near one thousand seven hundred horses: upon trial they were unable to perform their contract; they had no money to purchase any, or security to give the Board: in that situation there would not have been a horse for artillery service in the kingdom, if the persons with whom he had engagements had not consented to let their horses stay a few days longer in camp: this was a critical moment indeed for this country, when Lord Howe was off Cape Finisterre, and an invasion was every moment to be apprehended: if such an event had taken place, the people of England would have seen the whole train of artillery of the kingdom dispersed through the different counties of the kingdom, without an artillery-horse, in the pay of Government, to draw a single piece of it: this would have been a moment indeed, when oeconomy might not have met with a very loud approbation from the people.

In the course of this recital Mr. Fitzherbert corroborated what Mr. Courtenay had said, of the Board's having been applied to by the persons engaged to assist him with an offer to serve the public cheaper, and of the Attorney and Solicitor Generals having given their opinion that the contract could not be annulled. He also stated the various inconveniences of the contract, when so many horses were to be provided under circumstances so disadvantageous, and declared that he had at different times lost considerably by the great expence of servants, &c. while he held it. The persons that took the contract after him, and upon the noble Duke's advertising, he said, were Messrs. Baldwin and Drummond, who, when they went to purchase horses, had no money to pay for them, and were unable to fulfil the terms of the contract, on which account it had been put into other hands. Mr. Fitzherbert gave a succinct and clear detail of the first contract at 1s. 9d. from the year 1757 to the expiration of that he held, and shewed that it had been by no means so lucrative as the public had been given to imagine, but that, on the contrary, it had been attended with great inconvenience and great risque.

The question being now put, that the Speaker leave the chair, it was carried, and the House resolved itself into a committee of supply.

Mr. Steele rose to explain the different articles of the estimates, and at a quarter past eight the House was resumed.

March 11.

Lord Newhaven rose, he said, for the third time, to call the attention of the House to the consideration of the treaty with America. In that treaty the Congress had bound itself to use its influence in behalf of the Loyalists; he wished therefore to know what effect that influence had as yet produced, or was likely to produce; and he was desirous to know it, before the American intercourse bill should pass the House: in order, therefore, to come at the desired information, he moved, "That an humble address be presented to his Majesty, humbly to desire, that his Majesty will be graciously pleased to give directions, that there be laid before this House copies of the last dispatches from Sir Guy Carleton to his Majesty's Ministers."

The Chancellor of the Exchequer said, that there ought to be some probability that such a paper would be productive of public good, before the House should call for it: now, as

the end the noble Lord professed to have in view in moving for it was to gain information, he would assure him that the last dispatches from Sir Guy Carleton contained no information on the subject alluded to by the noble Lord; for when these dispatches came away, the preliminaries of peace had not reached America. — The question was put, and Lord Newhaven insisted on dividing the House, when there appeared for the motion 2; against it 80.

The report from the committee of supply on the ordnance estimates was brought up.

Mr. Rose-
warne.

Mr. *Rosewarne* objected to the estimates: he said that the ground on which he had heard the peace defended, was that our finances were in a ruined state; from this information one would naturally have expected a great reduction of the military establishments; but instead of this, a very small, if any reduction, was to take place, as he had understood from the commander in chief, who had said, on another day, that the country was in so very whimsical a situation, that he could not disarm to a great extent. He could not assent to this—the Ministry might be in a whimsical situation, but the country was not. The estimates for completing the fortifications of Plymouth amounted to between four and five hundred thousand pounds; it would therefore take near ten years to complete them, at the rate of 50,000l. a-year, the sum mentioned in the estimate; but if the country was in a whimsical situation—if there was no certainty that the peace would last ten years, and if additional works were necessary for the security of the dock-yards, why should not every effort be used to complete them in a couple of years? He observed, that there was no estimate for the sum that it would cost to purchase the grounds on which the additional works were to be erected, which he believed would be very considerable. He knew that in front of one of the works designed to be raised, there was a very fine house belonging to an honourable friend of his, which he was sure that gentleman would readily sacrifice to the public safety, whenever it should be necessary; but still a compensation ought to be made to him. He concluded with saying, that the report should be re-committed.

Sir Cecil
Wray.

Sir *Cecil Wray* compared the estimates for the ordinary of the ordnance for the year 1763, with those of the present year, which he found surpass the former in the sum of upwards of 112,000l. The number of troops belonging to the artillery

lery was to be double in this year of peace to what it was in 1763; and this was the more surprising, as we now had fewer dominions to defend. He complained of the enormous expence of Gibraltar, and wished it had been given to the enemy in exchange for some other possession.

Sir Cecil said he liked the ordinance service better than any other belonging to the army, but before he could consent to vote for the present report, he wished to know what the army establishment was to be, for which so large an ordinance estimate was necessary. The army estimates in all probability would be presented in a few days. He should, for that reason, agree with the motion that the present report be re-committed, being desirous of waiting till he saw the army estimates before he gave his vote for it. Sir Cecil said, he would again take occasion to mention Gibraltar, which made a large article in the present estimates. He could not but repeat his wish, that Gibraltar, which in time of peace was to cost us so much annually, was bartered away for a good price. He did not mean that it should not fetch its price, but he wished to see it bartered on proper terms, and thought the sooner a negotiation for that purpose was set on foot the better. He was persuaded, that our keeping it would only lead to a future war, and that when oeconomy was necessary, it would be a good beginning of savings, to save the country the expence the keeping Gibraltar annually cost the nation. Oeconomy, they all knew, was strongly necessary, but they began the work ill, and the present ordinance estimates were a very inauspicious sample of it; for which reason, as well as from his before expressed wish to see the army estimates first, he should vote for recommitting the report.

Mr. G. Onslow greatly regretted that Gibraltar had not been exchanged; for it was idle to expect, that in every future war the Spaniards would employ forty thousand men in endeavouring to reduce it. They had lately received a lesson, which they would never forget, as England had written in most bloody and legible characters on the walls of Gibraltar, *Steel traps for Spaniards*. In the estimates before the House, there was an immense sum for works to be done at Gibraltar; but this appeared to him absurd, for he was convinced that no new works would be erected there, because none were necessary; and it was very well known that there were so many there already, that if our garrison was withdrawn to-morrow, the Spaniards could

Mr. G. Onslow.

not rightly get into the place over the various works in less than three days.

Having stated this, the Colonel renewed the argument he held on a former occasion, that Gibraltar was not worth our keeping. He informed the House of a variety of circumstances relative to it, in order to prove his position. He mentioned, that Sir Charles Saunders and his squadron had like to have perished there. He also mentioned that Admiral Hawke had been obliged to send part of his fleet to water on the coast of Africa. He stated the expence it cost us in time of war, and in time of peace, and asserted, that the minor naval powers, Denmark and Sweden, and Holland, had at all times a larger share of the Mediterranean trade than we had. The Americans also, since we had granted the fisheries, would now come into the Mediterranean, and rival us in that important branch of our trade there. The Colonel mentioned likewise what had happened relative to the St. Michael, the Spanish ship lately taken at Gibraltar; and urged an infinite number of considerations to prove that Gibraltar was an eternal source of expence to this country, and of little advantage to it. With regard to the estimates, he said, he remembered the time when the Minister held himself responsible for the whole of the public expenditure; and from a due attention to the state of our finances, provided for every department accordingly, allotting so much, and no more, to the navy, to the ordinance, to the army, and so on. This was the custom in the days of Mr. Pelham, the Duke of Newcastle, and other great Ministers; whereas now, the head of each office considered himself as a Minister, and asked for just as much for his department as he thought proper. The Colonel said, he should be happy to see the good old times return, and the old custom revived.

Mr. Steele.

Mr. Steele accounted for the difference between the estimates of this year and those of 1763, by saying that Nova Scotia lying now at the door of what might be called an enemy's country, forts and fortifications which were not necessary in 1763, were now become necessary from a change of circumstances. As to the lands on which fortifications were to be erected at Plymouth, the estimate included every thing, the purchase money, as well as the expence of building the works.

With regard to the ordinary of the ordinance in the present estimate, which had been stated by one gentleman to be
double

double what it was the preceeding year, Mr. Steele said, the honourable gentleman was mistaken. Formerly one article of it was uniformly for many years charged the same sum of 36,092l. 7s. 6d. and the exceedings afterwards amounted to a great deal more; so that the estimate gave the House no correct information of what that article of the ordinary really cost; whereas the present estimate stated truly and correctly the whole and real cost of the ordinary. Mr. Steele spoke also to the other objections that had been started, and very ably defended the whole of the estimates.

Mr. *Burke* said, he did not rise by any means to object Mr. Burke. to the ordinance estimates; but the House would recollect he had formerly suggested the propriety of abolishing the Office of Ordinance, and establishing a new mode of transacting the business, and therefore, although he had not, to his shame be it spoken, examined the estimates with any very great attention, yet, from what he knew of the nature of the office, and from what he had learned from all that had been said upon the subject, both then and the preceding day, he conceived he pretty clearly understood the jet of the argument. It had been generally agreed by the gentlemen opposite to him, that although great praise was due to the Duke of Richmond, for having reformed the office, and introduced a new mode of stating the estimates, there was no intention by the present report, to cast the least reflection on the conduct of the noble Duke's predecessor in office, Lord Townsend, whose abilities qualified him to fill any public situation with as much dignity, as his many private virtues endeared him to all his acquaintance, and gained him general love and esteem. Mr. Burke declared if there was a man in the kingdom particularly calculated to root out a bad system of official conduct, and to introduce a new and more useful plan of proceeding, it was the Duke of Richmond, whose natural industry, whose disdain of inglorious ease, and whose zealous attachment to the principles of public œconomy, marked and distinguished his character in an eminent degree. Without, therefore, the smallest imputation on the late Master-General of the ordinance, it was fair and warrantable to bestow those encomiums on the present, that were so justly his due. After dwelling for some time on the merits of the reform in question, Mr. Burke took notice of what had fallen from Sir Cecil Wray respecting Gibraltar, and declared, he earnestly wished that important fortrefs might not be negotiated for on any account whatever. He

He next adverted to the fortifications now building at Plymouth, and said, he wished not to see the spirit of fortification on shore prevail so much. It was not a symptom that tended much to the credit of our national strength; he should be glad when the time returned of expending little or nothing on any other fortifications than the true bulwarks of the country, the navy of Great Britain. In the course of his speech, Mr. Burke was pleasant in comparing the Duke of Richmond and Lord Townsend to the two Vestris. He said, they both had merit as Masters of the Ordinance, like the elder and the younger Vestris, as dancers, and the improved system introduced by the noble Duke, put him in mind of the answer given by the elder Vestris; when asked, if he had taught his son, Monsieur Vestris had replied, "No, Sir, he learnt under a better master." This Mr. Burke applied to the noble Duke and noble Viscount, and added, that if the country was ever to change its Master General of the Ordinance, he hoped the new Master General would be able to improve even upon the Duke of Richmond, and that it would become a system, as often as a change took place, for the new Master General to say to the Master he succeeded, "You improved upon your predecessor, and I am determined to improve upon you," by which means the country would be sure to continue receiving a successive increase of benefits. Mr. Burke concluded with saying, that having a thorough confidence in the present Master General of the Ordinance, he should vote for the report's being read a second time.

On the question being put, that the report be read a second time, it was carried by the *ayes*, and read and agreed to accordingly.

The order of the day was read, for the House to resolve itself into a committee, for the purpose of further considering the American trade bill.

Mr. D.
Hartley.

Mr. D. Hartley rose, and reminded the House, that it was five weeks since he had made a motion for leave to bring in a bill to repeal the prohibitory acts, and open an intercourse with America. The bill that had been brought in, he contended, was wholly inadequate to its avowed object, and would lead to infinite mischief and inconvenience. He lamented that the matter had not been provided for by an article in the provisional treaty, and said, his Majesty's Ministers had eight months time to have done what was necessary, and to have saved the country from the difficulty in which

which she stood at this moment, in respect to her future trade with America. He reasoned for a considerable time on the subject, and before he sat down produced the heads of a treaty, calculated to lead to the establishment of such commercial regulations between Great Britain and the United States, as should answer the ends of each. After reading the Treaty, and reasoning upon the several articles of it, Mr. Hartley concluded with moving, "that the Speaker do now leave the Chair."

Captain *Luttrell* said, he confessed himself to be desirous of repeating the political opinion he retained, that the Speaker ought not to leave the chair, for the Bill, vast and extensive in its consequences as it was, well cal ed to be further proceeded on. He knew that he was again risking the displeasure of the Right Hon. Member on the Treasury Bench, and of those around him by so doing, but he hoped they would not think the presumption great, after they had declared he should be as responsible for its consequences as any one of them. He said, if any thing could have induced him to offer himself to the Speaker's eye a second time in the same debate, it would have been the new and extraordinary language used by the Right Hon. Mover, in answer to the former objections to committing the bill, and to his arguments in support of their proceedings on the clauses of the bill last Friday; but neither in the former nor the present Parliament, had he ever attempted such a breach of order: those who practised it, however, should not complain of any Member appearing desirous to give an opinion once in a debate on measures for which it was by them contended, and seemed to be now determined, all were to be alike responsible. He had none of the trophies of oratory to boast; if he could make his language intelligible, it was all he aimed at; and when it should be countenanced by the Chair, that none but Ministers or men of great abilities were to give an opinion on the politics of the times, he should cease to be a candidate for a hearing. Sure he was, it could never happen while the present Speaker presided there; for, amongst the many advantages they reaped from his correct judgment and infinite patience, they stood indebted to him for nothing more than for his candour, in paying equal attention, encouraging alike, and shewing the same indulgence to the most inconsiderable Members of that House (for none he thought was more so than himself) as to those who possessed parts alike brilliant, of equal consequence, and of as great weight, as the right honourable mover. He would

would not promise the House never to trouble them with his opinion, if he thought he could form a pretty perfect one, on any political point, that the Commons were required to decide upon; but he would at all times endeavour to keep within the pale of decency and parliamentary order. He said, the right honourable mover confessed, in the last debate on that Bill, that he had but a small share of commercial knowledge, and that he despaired of the ability of framing it, fit to pass into a law, without great improvement indeed; did he believe that it could now be so improved in the Committee, as to be tolerably safe for this country to venture to pass it as an experimental law; he hoped, it would not be thought an improper question, after that Right Honourable Member had desired him to be aware, that in the proper sense of the word responsibility, no Minister, in the most complete and settled administration, was responsible for the effect of an act of parliament; that when a Bill was introduced, it came for adoption, or amendment, to Parliament, who was fully to exercise its wisdom and judgment upon it, and therefore he would be full as responsible for its effects as any of his Majesty's Ministers; for if the Bill once passed into a law, the legislature, and not Ministers, would be answerable for it; to this explanation, the House in general seemed to shew a satisfaction, and to accept it as valid, the right honourable Member only excepted, and he in some measure dissented from that opinion. He was glad to be now awakened to the true sense of Parliamentary responsibility, for to be sure he must have dreamed of one set of Ministers and men being censured for a Tea act, another for an Explanatory act, a third by Prohibitory bills, and by bills to confiscate the property of the Americans, that he heard of threatened impeachments, and legislative reprehension. Nay, his fancy had gone so far as to believe that a noble Lord in a blue ribband, who was a Minister, had been severely censured by many members for the acts which produced the American war, and brought this country into its present humiliating state. Such, he owned, was never his opinion, because the war commenced with a majority in that House in its favour, bearing a proportion of about two hundred to forty: of the smaller number he always made one; and was glad at last to find it admitted, that the responsibility for the effect of every act of Parliament (and none could be of more consequence than that before them, which might reach the vitals of commerce, to which we stood indebted for the sinews of

war,

war, and for the comforts of peace,) was in the legislature of the country, and not in Ministers. This was a record he would preserve for life ; he hoped it would be written in the memory of the right honourable mover, and of the great majority of the House that had subscribed to it. Some time ago it would have been invaluable ; it might still prove of much worth ; he would respect it as his political creed as long as he had life, and, treading in its path, he would not give the responsibility of his vote to any measure he had not well considered, or that he did not approve. Of the latter description he confessed the present bill to be, which, to say the best of it, was big with such infinite hazard, as nothing but a necessity, which did not appear to him to exist, could justify. Whatever the sanction of Parliament was now given to, could not well be receded from, however infinite the mischiefs might be that would ensue. This was but an experiment Bill at best, and therefore must come within the possibility, perhaps, he might say, the probability, of failure. The dignity of Parliament, and the wealth of the nation, might both be injured by it, if it failed of the intended effect. Then why risque it, when the King and his Council had a power given to them for the express purpose of opening the trade with America, and to hold out every proper encouragement that should turn the first flood of it into the English Channel. Advantages, greater than they dare give by that Bill, might with propriety be granted ; the nation and the legislature would see by the operation of them, what kind of commercial laws would best suit the temper and the mutual advantage of both countries ; the most jealous of prerogative power seemed to think it a proper season for its exercise. The trade by this means might be opened to-morrow, and by some such means it ought to have been opened long ago ; Ministers should have used it as soon as the Provisional Articles were signed. But still he did not despair of our finding the Americans prove our best friends and allies ; they were, like ourselves, quick and violent in resenting injuries, while fresh in their recollection ; but, like us too, they would not bear malice long. France might not find it very easy to persuade Presbyterians to bow to a wooden god, nor to engage deep in a commerce with an arbitrary country, where it must be difficult to obtain credit or recover property, and to whose laws and language, religious or moral obligations, they can never subscribe. This, therefore, seemed a critical moment ; prudence, caution, and at the same time liberality should at-

tend the proceedings of this country towards America. He thought they might be exercised with the most propriety, and the best effect, by the King in Council. On that ground, therefore, he would rest his objection to proceeding further on the Bill. If over-ruled, however, as he confessed, though he could find a fault with almost every part of it, he was not able to propose a suitable remedy. He should be satisfied with protesting against being responsible for an act, from whence he feared the worst of consequences might follow, and which, therefore, he would not abet, when a remedy might be applied to the necessity of the occasion, every way, in his mind, more safe and adviseable, as well as more expeditious, than proceeding to carry such a Bill through that House without a moment's reflection, which, to make perfect, might require the reflection of an age.

Mr. Eden. Mr. *Eden* said, that the opposition given to the Speaker's leaving the chair, was not, upon the whole what he could support, and yet approached so nearly to some reasonings which he had used on a former day, that he must distinguish the line by which he should proceed. It certainly was one advantage of the plan now recommended by the honourable gentleman, that no decided mischief could result of the same description, or extend as might be expected from the present bill, if not greatly amended; but there were some objections which seemed to outweigh the advantage. The King certainly had no power vested in him by the act alluded to, under which any duties could be levied or arranged upon the imports to be made; and if the trade was to proceed subject to no burdens, it would proceed under an indulgence that could not be continued, and therefore ought not to commence. The United States too, would in that case trade not only on better terms than foreign powers, which would be an infraction of treaties, but on better terms than either the kingdom of Ireland or the loyal Colonies, which would be a gross injustice; and besides the West-India islands would be left without means of obtaining either lumber or provisions from the continent of North-America, an extreme of restraint which he for one was not prepared to recommend. Upon the whole, therefore, he wished to go into the committee, with a view nevertheless to make great alterations in the bill. His idea of those alterations would best appear from his stating what the bill ought to be. He continued then to think, that the wisest and best mode under all the public circumstances, would be to open the intercourse, and to vest a discre-

discretionary power in the Privy Council as to temporary regulations of the trade for a limited time, or until a treaty should be formed. If, however, that plan should be wished to be more compleated in Parliament, he would propose a bill to the following effect: 1. To establish the independence of the Colonies. 2. To repeal the acts which prohibit intercourse. 3. To subject all imports in American ships to the same duties and regulations as are prescribed by law, in regard to the imports of European nations. 4. To pursue a similar principle as to exports.

This plan, Mr. Eden said, would have the good effects of making no convulsion in the commercial system at present settled between Great-Britain and Ireland; it would give no offence to foreign states; it would not repeal important acts, or make alterations, the end of which no man can foresee. Inconveniencies it might have; but they would be the mere inevitable consequences of the American independence, every hour's reflection convinced him of the prudence of risking as little as possible in the bill to be framed. It was a great consideration involving every question of law, policy, and commerce; neither the mind of an individual, nor the united wisdom of Parliament, was able to embrace interests so vast and so complicated. His right honourable friend [Mr. Burke] had in a former debate talked upon the subject with cheerfulness and confidence; but the speech of that night amounted to saying, "Who's afraid?" He was ready to confess himself extremely afraid; his ignorance might be the cause of fear; such information as the right honourable gentleman possessed certainly gave a right to confidence.

He said, that to a bill of the kind he had described, he would wish to add a clause to repeal the section of Mr. Grenville's act, which left the American exports still subject to a five per cent. duty; that clause was become extremely impolitic, and could only operate as a bounty for the discouragement of our own manufactures. He also wished for a clause to repeal the alien duties; they were originally founded in a false and narrow principle; at present they were great inducements to perjury; they were also a great embarrassment in all the Custom-house calculations, and with all these objections produced only 8000*l.* a-year. He thought their repeal would help forward a great object which he had long had at heart, the consolidating and simplifying the customs; and that object being in forwardness, he should more readily consent to Mr. Pitt's proposed bill for abolishing the

small fees of the officers, as the assistance of those officers would then become less essential to the merchants.

As to the supply of the West-India islands, when he considered how well they had been supplied during the late war, and the immense shipping at present of these kingdoms, he was under little alarm; but still he could see no objection to the opening to the United States certain free ports at Jamaica, Dominica, and other proper places, under proper restrictions; and he took the occasion to remind the House, that the act respecting the Dominica free ports had inadvertently expired.

The Lord
Advocate.

The *Lord Advocate* read a bill that he had sketched out, and which he thought would answer the end that gentlemen had in view. But he thought that it would be impossible to prevent the Americans from becoming the carriers of the West-India trade, unless we should totally prohibit all intercourse between the islands and the continent; a step that no one would wish to take. An American would not send his ship with lumber to the West Indies, if he should be obliged to bring her back in ballast; and if he was to be permitted to load her with the produce of our islands, he might send her of course to any part of Europe. A great deal of the objection taken to the bill appeared to him to be totally founded in those terrors and fears that seemed in a most unaccountable way to have taken possession of almost every gentleman, who had spoken on the subject, least the Americans should share with us in our carrying trade. He saw not that matter in the same light, and yet he was ready to admit that the Americans would have an intercourse with the West-India islands; nay, that on account of the commercial necessities, and even the food of the inhabitants of those islands, it would be impossible to prevent it. If such an intercourse was not freely allowed, an intercourse of a smuggling nature would undoubtedly be resorted to. Laying it down therefore as a position not to be doubted, that the Americans would have an intercourse with the West-India islands; his Lordship proceeded to reason upon it, and contended, that though the Americans necessarily would participate in the carrying trade, that nevertheless they would not do so to any degree that ought to alarm this country. In order to shew that the Americans must take back the produce and commodities of the West-India Islands in return for the lumber, and other articles carried by them to the West-Indies, he asked if it was reasonable to suppose that their ships should
return

return home in ballast? And as an argument, that we ought to allow a free intercourse, he stated, that if we did not, the Americans necessarily would deal with the French in their islands; a matter which it was certainly worth our while to prevent. As a proof that there was no ground for the fear of their injuring us in the carrying trade, he appealed to past experience, and referred gentlemen back to a consideration of what share the Americans had of the carrying trade before the war. Having dwelt upon this for some time, and argued with great earnestness, his Lordship admitted, that inconveniences would arise from the intercourse of the Americans and the West-Indies, but he contended that those inconveniencies were the unavoidable consequences of the new situation of the United States, and were not imputable to any possible operation of the present bill. Among these inconveniences, not the least, would be the injury done our merchants in the article of ship-building, as the Americans could certainly build ships much cheaper than we could. Yet the merchants in general were desirous of having the bill passed. He said further, that he had conversed upon the subject with many respectable merchants of Glasgow, who all of them admitted that certain inconveniences would arise, but that nevertheless they highly approved of the present bill, and thought the House would be mad if they did not pass it immediately. After urging this very pointedly, his Lordship said, since different gentlemen had employed themselves in manufacturing bills adapted to the present exigency, he would produce a piece of his manufacture. He meant to preserve the preamble of the present bill entire as it stood, and the other alteration he should make, would be to propose to leave out six clauses, and to insert one in the room of them. He then explained to the House the reasons on which he had been induced to adopt such an idea. In the first place, he said, he wished, above all things, to leave out every word that tended to remind the Americans that they were independent. He had no desire to consider them other than as British subjects, further than in acknowledging them independent States; and, therefore, he would not suffer a syllable to remain in the bill, that tended to suggest to the Americans that they were aliens. This he supported on grounds of mutual policy. He afterwards read his new clause; and having expatiated considerably on the beneficial tendency of it, he urged the propriety

propriety of going into a committee upon the bill ; and once more advised the House to throw aside those fears about the carrying trade, which, in his opinion, had so unnecessarily taken possession of their minds.

Sir Robert
Harris.

Sir *Robert Herries* said he disliked the bill, though it would greatly promote his own fortune, and that of some other individuals : he had a house at Barcelona for thirty years, and another at Ostend ; and by means of these houses, and this bill, he might make an immense fortune ; but as a member of that House, and a good citizen, he must condemn a bill, which while it would encrease his fortune, would be injurious to the country. He did not, with the learned Lord, see the necessity of throwing the carrying trade into the hands of the Americans, unless all our own ships were lost ; for as we were to have liberty to trade to the American ports, we could there sell our ships cargoes, take in lumber for the West Indies, and afterwards bring home the produce of the islands. It might be said, indeed, that the Americans might refuse to sell us lumber ; but such a refusal he would deem a breach of the treaty of peace, which allows the ships of Great Britain to trade to the American ports : but he was so little afraid of any such refusal, that he would pledge himself to find persons who would contract to supply our islands with as much lumber as they could possibly have occasion for : that the intercourse between the colonies and the islands, was not necessary to the latter, appeared clearly from this circumstance, that during the war the latter had been supplied with lumber, and all other necessaries, entirely by British ships.

He complimented Mr. Eden, and said, he highly approved of the plan that gentleman had proposed ; and particularly of his proposition with respect to the opening of certain free ports in the West-India islands. Such a bill would answer every end of necessary regulation, and would guard against the dangerous consequence that he was convinced would attend the passing of the present bill. Sir Robert stated particular cases to enforce his argument, and to prove, that if the bill passed, it would throw advantages into the hands of the Americans that could not but be extremely detrimental to the commercial interests of Great-Britain. It might, he repeated it, make the fortunes of certain individuals ; men who had made purchases in America, and sent agents there, and afterwards took those agents into partnership, and thus could either remain Englishmen or become

Americans,

Americans, just as their interest and conveniency required; and therefore, he said, he should be against the Speaker's leaving the chair.

Sir *Grey Cooper* declared, that the manufactures the learned Lord had mentioned, he had no objection to the importation of into the committee; he wished to see them there, in order to examine them attentively, to improve upon them, if improveable, and to use them as far as they would go. In the committee would be the time and place for their discussion. He therefore recommended, that the House should go into a committee upon the bill.

Sir Grey repeated his argument of Friday, that in his opinion, if the prohibitory acts were repealed, the trade would fall into its old course. With regard to what the Lord Advocate had said of the American ships, that went to the West-India islands, not returning with ballast only, Sir Grey declared; that they never had; and that most certainly they never would, while they could get a back freight; but that formerly this trade was restrained by certain legal checks, which no longer existed. There were no bonds, no certificates, no oaths to be expected from the Americans now, and therefore the case was widely different from what it had been heretofore. Sir Grey answered that argument of the Lord Advocate, that before the last war America did not injure us in the carrying trade. He said it was true, the Americans built ships, freighted them with tobacco, brought them to Liverpool, Hull, or Glasgow, and there sold both hulk and cargo, and then went home passengers. They would no more sell their ships, their interest was altered, and would continue the carrying trade, certainly the most advantageous to them. One thing, the learned Lord had asserted, which, if founded, Sir Grey said, he was ready to bow to it, and give up all farther argument. The learned Lord had asserted that the merchants of Glasgow (men certainly perfectly competent to instruct the House, being men of high authority in all matters of navigation and commerce) had declared, that they approved of the bill, and thought Parliament would act madly if it did not pass it. This was saying a great deal, but then how was he to reconcile the learned Lord's declaration of his intention to move in the committee to leave out five out of six of the clauses of the bill which the merchants of Glasgow so highly approved, and which they thought it would be madness in the House not to pass? Sir Grey deemed this another reason for wishing

ing to go into the committee, where the bill might be discussed clause by clause; and he concluded, with declaring, that his idea was to remove all obstacles, and to take off the bars of the door to trade with America, but to leave a latch on it, that a friend might lift up.

General Ross and several other members spoke. At length the House went into a committee, in which Mr. Powys and others took a part in discussing the bill.

In the result of this long discussion, Mr. Eden proposed to complete the preamble by leaving out the objectionable words, and to proceed to the body of the bill with all convenient dispatch on a future day; in the mean time he recommended a communication between the different sides of the House, for facilitating the farther progress, which was agreed to.

March 12.

Sir Henry
Fletcher.

Sir Henry *Fletcher* brought up the report of the committee, to whom the East-India Company's petition had been referred, which having been read a first and second time, Sir Henry said, he should have moved, to have the report referred to a committee of the whole House the first open day, but there being no settled administration, he knew no other step, at all advisable for him to take at present, but to move that the report do lay on the table. At the same time he thought it necessary to state, that if the report was not taken into consideration, and some resolution come to upon it, before the 1st of April, the whole circulation of the Company, amounting to the sum of between three and four hundred thousands pounds, would be stopped; a circumstance that could not fail to produce consequences of the most serious nature in the city of London, and therefore, he trusted it would be a circumstance, the fatality of which, the wisdom of that House would avert. Should an administration be settled shortly, which he much wished, he hoped whoever should be the Minister, he would in a few days, at farthest, take up the report, and submit it to the consideration of the House.

General
Smith.

General *Smith* said, his honourable friend near him, had so fully stated the nature of the situation of the East India Company, that he had not only verified the observation he had made some time ago, that the subject would force itself on the attention of the House, whether they were willing to attend to it or not, but left him nothing scarcely to add to enforce

enforce the necessity of taking the report into consideration in a very few days. If some resolution was not forthwith come to, the East India Company would be reduced to a state of bankruptcy. Not immediately, it was true, but in effect. Had he not therefore heard, since he came down to the House, something like a rumour that an administration would soon be arranged, insignificant as he was, he should himself have moved to refer the report, that had been just read, to the consideration of a committee of the whole House.

Mr. Burke said, the report certainly claimed their earliest Mr. Burke, and most serious attention, for that to say the East-India Company was in a state of distress, was neither more nor less than saying the country was in a state of distress. Their interests, whether right or wrong, had been so interwoven, that it was utterly impossible to separate or disentangle them. The interest of the Company was the interest of the public: the former being the child of the latter, nursed and cherished in its bosom. It must therefore be prevented from starving at all hazards. At the same time, however, great and pressing as the necessities of the Company were, it behoved that House to do something more than barely relieve them. The relief and reformation of the Company must go together. The Company had flown in the face of Parliament, and that, not when Parliament was making an attack upon the Company's charter, not when Parliament was taking any measures hostile to the interests of the Company, but when Parliament was radically applying a remedy to the evil that had been one great cause of the Company's disorder, infirmity, and distress. He meant the Company's resisting the opinion, and flying in the face of the proceedings of that House, by obstinately opposing their judgment to that of the Commons of England in Parliament assembled, and insisting upon the sole and uninterrupted controul over their servants in India, whose reprehensible conduct had not only endangered the commercial interests of the Company, but put their territorial acquisitions in great danger, and considerably sullied the national character. This conduct in the Company, Mr. Burke thought extremely wrong, and therefore, he said, their distress and their unjustifiable proceedings must be taken into consideration together, so that while ample relief of the one was administered, it might be attended with complete correction of the other. Mr. Burke said, his particular application to the enquiry into the

state of the Company's affairs for these three years, that had been agitated by a committee of that House, of which committee he had been a member, added to his general observation upon the same subject for near twenty years, enabled him to speak upon it with certainty and confidence. He knew the conduct of the Company required reformation, as much as the particular state of their finances in circulation required relief, he trusted therefore that both would be considered together, and he was persuaded that it would be as much as all the wisdom, ability, and power of Parliament was equal to accomplish.

The report being ordered to lie on the table, Sir Henry Fletcher moved that the report be printed, which was ordered accordingly.

When the order of the day for proceeding on the bill for amending and explaining an act of the last session relative to the Pay office was read,

Mr. Chancellor Pitt.

Mr. Chancellor *Pitt* said, as neither of those persons were present, whose departments the bill would principally affect, and as he knew they were not yet prepared sufficiently to state their sentiments respecting the bill, he trusted the honourable gentleman would have no objection to postponing the farther proceeding on it till a future day, and, if so, he would move that the bill be taken into consideration on Friday se'night.

Mr. Burke.

Mr. *Burke* said the Commander in Chief had been so good as to communicate to him the great difficulties that would be felt in the War-office, in consequence of the bill, as proposed to be passed, and as he had every deference for that worthy and respectable character, and every wish that his bill should be at once the means of public œconomy and official accommodation, he was perfectly resigned to whatever should be the opinion of the House respecting it, and therefore he would very readily consent to the motion of the right honourable Chancellor of his Majesty's Exchequer, but desired that the persons ordered to attend on this day might be ordered to attend upon the day to which the further proceeding on the bill was postponed.

It was ordered accordingly.

The order of the day being next read, for the House to resolve itself into a committee of the whole House, on the bill to open an intercourse between Great Britain and the United States of America, Mr. Ord took the chair, and the Solicitor General proposed a new clause. The committee then proceeded

proceeded with the bill, and after an infinite variety of observations from different sides of the House, the Chairman, at half past eight, was directed to report a progress, and ask leave to sit again this day.

March 13.

Major-General *Ross* informed the House that the motion he now proposed himself the honour to lay before them, he had intended to have made some days ago, but delayed it upon a message from the Commander in Chief, who was ill at the time. Major general *Ross*.

After the Major-General had got up to speak, and was giving this explanation, the Commander in Chief came into the House and took his place, and the Major-General proceeded as follows:

He said, he felt the necessity of an apology for his having taken up a subject which would certainly have come with greater weight, and more propriety, from several other officers, high in rank and character, members of that House; but as possibly it might have escaped them, he hoped it would not be deemed presumption in him to have brought it forward.

The Major-General said, he was not present the day on which he conceived the American corps were put upon the British establishment. That he was entirely ignorant of the nature, or the composition of those corps, and even did not know the names of the officers that commanded them. That there was an annual list of the whole British army, militia, fencible, and provincial regiments, &c. But there was not one of those corps, he then alluded to, in that list; therefore, the tendency of his motion was to procure information to the House, and to himself. He said he could have no doubt of those corps having been formed with wisdom, and from expediency or necessity; nor could he entertain any doubt of their being put on the establishment, from principles of justice and of humanity. And as to the loyal Americans, no man thought better of them than he did, or that would more heartily and sincerely concur in every measure of compensation to them, by way of rewarding their merits, and relieving their distresses in as far as might be consistent or compatible with the present circumstances of this exhausted kingdom. He then said nothing more occurred to him on the immediate motion; but if he might,

he would call the attention of the House to an object that appeared to him of the greatest importance. He meant the conduct and management of the army at large, from the beginning of the late unfortunate war. He said, he believed it would be allowed, that every thing in an army depended upon good order, regularity and justice; without which, an army, instead of being an advantage, would be the greatest and most dangerous misfortune that could attend any country; and, therefore, if the House should see propriety in, or foresee any advantage from forming a committee of enquiry, in order for such committee to take a good-natured retrospective view, he confessed it would give him great pleasure. And if he might suggest as much, he would say it would be best composed of members of that House, who had served with honour to themselves, and with advantage to their country, but who had retired from private considerations, and could be supposed to be only influenced in their enquiry, by a zeal for the good and for the honour of their country. Officers in actual employment might, however unjustly, be liable to the imputation of acting from bias, or partiality.

The Major-General declared, in what he was going to say, he meant nothing disrespectful, nothing injurious, nothing unjust to any one whatever; his purpose was merely to throw out a few ideas as they occurred to him; and he should think himself fortunate if any of them should catch the attention, or merit the approbation of any one member of the House.

In the first place, he said, much depended on the manner of forming and composing troops. He very well remembered, that after the peace of Aix la Chapelle, his Royal Highness the late Duke of Cumberland commanded the army; and during that period, it was conducted in the best manner. Not only good regulations were made, but his Royal Highness established and kept up strict discipline, and did justice to all ranks, so that old officers of merit were seldom disappointed in their fair and reasonable expectations of promotion.

At the beginning of the glorious and successful war that followed, the new levies were formed on the best principles. At first, additional companies were appointed to all the old regiments, the officers taken from the oldest of each rank, and the non-commissioned officers selected with judgment. When these companies were compleated and well regulated,
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then there were ten new regiments raised and established, and two of those additional companies from the old corps appointed to each of them as a foundation. All those regiments were quickly compleated, and were soon brought into excellent order. The next measure, for further encreasing the army, was the adding fifteen additional battalions to the old regiments then in Britain, and which, by a judicious mixture of officers, non-commissioned officers and soldiers, it soon became a matter of dispute and emulation which of the battalions were the best, the old or the new? Then they were disjoined, and the command of the fifteen new regiments were given the old lieutenant-colonels of the army. But unfortunately for the army, the Duke of Cumberland soon afterwards quitted the command of it; and although he was succeeded, as it is well known, by a great and good officer, the late Earl Ligonier, yet however good his intentions were, his influence was not so considerable. And latterly, towards the end of the war, there were new modes of raising troops adopted at the War-Office, where proposals of every kind for the raising of corps were received; at that time the country was much exhausted, from the consumption of men fit for soldiers, so that many of the last contracted-for corps were never compleat in number, and some of such as were, were chiefly composed of old men, or mere boys, unfit for the fatigue of service, as was evinced from great numbers of them having died, unable, as the General said, he had been well informed, to undergo the winter German campaign; and that therefore amongst others was one, and he thought a very wise consideration for making the peace of Paris.

To recur to the beginning of the war we had just concluded, one would have thought the new levies would have been conducted according to the model, and agreeable to the example the late Duke of Cumberland had established; but quite the contrary; they were conducted in the manner, the vicious manner which had been adopted at the War-Office, as has been described at the end of the preceding war. Corps were now indiscriminately contracted for of every size, of every denomination, without much attention to the old officers of the line, and many of those young corps were certainly very injudiciously sent, unformed, undisciplined, raw, inexperienced, without a sufficient number of seasoned commissioned officers, and few non-commissioned officers of service or experience, to distant unhealthy climates, where
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the bulk of them soon died, without having been of much service, but whereby the army, in a great measure, like the wealth of the kingdom, became imaginary.

To go a little into the consideration of the late unhappy war, from its commencement, the General said, let me suppose that the Minister (whoever he may have been) should, after due consideration, have sent for, not any General now living, though no one respected more highly than he did some great military characters, at present in existence, and whose names, he said, he could mention with pleasure; but he disliked the thought of appearing capable of flattery. Let him therefore imagine, in the same way of supposition, that there was at the head of the army, a Turenne, a Monticuculi, (who was his antagonist) or a Marlborough, of the growth of this country, or a Marshal Daun, (who retrieved the affairs of the Empress of Germany.) Suppose the Minister in consultation with such an officer as any one of these, who, from the greatest abilities and long experience, was taught to look before him, to look behind him, to look to each side of him, before he advanced; and the Minister should inform such a Commander in Chief, that it had been determined to declare, and carry on a war in, and against certain remote provinces, which the crown lawyers had publicly declared had, by certain acts, committed by individuals of those provinces, levied war against the King, and the crown of England; and then enquire of the officer what number of troops might be requisite for such an undertaking. Suppose the Commander in Chief should say sixty thousand men; the Minister objects to the greatness of the number, and argues, that they were not to be had. The General perseveres. At length it is agreed upon, and every engine is employed for that purpose; and what could not be found at home, were contracted for, and sent for from abroad; so that at length all being set a going, and the General ready to depart, informs the Minister, that from deliberate consideration, he thinks the war may continue four years before the object of it can be thoroughly obtained and secured, and that it will be absolutely necessary that there shall be an annual supply of twenty thousand men to make up the deficiencies and losses that must necessarily happen. The Minister (we shall suppose) is a little startled; but however, knowing the temper of the General, it is agreed upon. Then, Sir, conjecture, that for four years, from unforeseen accidents, instead

Head of twenty, as has been stipulated, there had been only sent at the rate of five thousand men, what would the consequence be? At the end of the four years, there would be no army at all remaining, and the war must necessarily be relinquished.

From what he had then said, the General assured the House he did not mean to insinuate the smallest or most distant reproach of any one; nor could he even suppose the Minister, whoever he was, that gave rise to the American war, had any such motive, as was recorded, of a first Minister of Spain, who, when he unexpectedly received the news of a rebellion in Portugal, went and informed the King, and with great address, congratulated his most Catholic Majesty upon the news, assuring him that the Duke of Braganza's very large estates would be a handsome forfeiture to the crown of Spain. Now, Sir, said the General, if I should from a late event make any allusion, it would rather be to the history of *Candid*, which has been written by a very ingenious and great historian of unimpeached veracity, who describes *Candid*, by some means or other, to have got into a delightful, happy kingdom, somewhere in the western world, or in the South Seas, whither he had been accompanied by his friend and preceptor, a very noted philosopher, whose name is well known among the learned, Dr. Pangloss. But, unfortunately for *Candid*, as the doctor was of a great and extensive genius, and fond of interfering with, and writing new systems of government, he thought he perceived some defects in that of *Isle Dorado*; particularly, that they might turn to a better account, the gold dust and precious stones, which were in that country in great abundance. But alas! the consequence was, being thought dangerous people, they were driven out of that happy country with some marks of disgrace. This circumstance, however, the author has perhaps unwarrantably suppressed. The doctor, notwithstanding, had a good sound maxim and belief, that he had not only preached to his pupils, but constantly practised himself, viz. that every thing in this world was all for the best. The General said, he was really happy to find that Dr. Pangloss's maxims were in such universal esteem, and so much practised in this country; and a very comfortable circumstance it was in times like the present.

The General said, he was ashamed to have taken up the time of the House so long; as he was up, however, he would beg their indulgence a little longer.

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The next points he would touch upon were the military brevets, together with the ill consequences and evil tendency of local and temporary rank. He said, it must be recent in the minds of every one, that of late the Gazettes had been pretty much filled with high military promotions, and some of them since the Preliminaries of Peace had been ratified. The multiplying of those brevets, he declared, became a real injury, and the means of disappointment to many old officers. He added, that he had been told that some officers, when they applied for effective commissions, had their brevets objected to, as an argument against their being appointed to vacant commissions, to which they were otherways well entitled. In the Duke of Cumberland's time, he said, there was scarcely any such thing as a brevet. He questioned if the meaning of the word was then understood by nineteen officers out of twenty throughout the army. In those times, the Colonels commanded their own regiments, and he remembered to have seen the present Commander in Chief (General Conway) at the head of his own regiment, at the village of Lafelt.

At present, he remarked, the Colonels were mostly all of them General Officers; not only that, but by local or temporary rank, Lieutenant Colonels and Majors, had been employed as Major, or Brigadier Generals; so that the regiments fell to be commanded by Captains.

In the garrison of Gibraltar, at the time he left it, in a regiment (of which he had formerly the honour to be Lieutenant Colonel) in that regiment, and in others, he declared, there were no less than five Captains, Majors by brevet, which made the duty extremely fatiguing and expensive to the few remaining Captains, as those that were breveted, by the usage of the service, did no garrison duty, nor mounted guard as Captains.

He said farther, that he would remark, upon certain military appointments that had happened in the army. For instance, if an officer was a skilful engineer, it was, in his humble opinion (if he could be spared from that branch) an exceeding good reason for his being appointed a Quarter Master General, as that employment, no doubt, requires talents. But he must say he could see no good reason why a General, in such circumstances, should likewise be appointed to the command of an old regiment of foot, particularly at a time, when there were old officers who had served all their lives long in the infantry, and were to that day with-
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out regiments ; one particularly, an old friend of his, who was at this time a Lieutenant Colonel of the 63d regiment (which he purchased at a large price near twenty years ago, and had likewise purchased his preceeding commissions) a gentleman whom every one that knows him esteems, and who was Captain of Grenadiers at the siege of Bellisle, where he was wounded at the head of his company, after having distinguished himself in a signal manner ; who had been throughout this war constantly in severe service in North-America, and was there now with the rank of Major General, and a worn-down constitution ; and, after between thirty and forty years service, was liable to be reduced to half pay, as a Lieutenant Colonel, and would then have the greatest part of that small income to pay for the interest of debt he had contracted by the purchase in the army of commissions. This was, the General said, a freedom he would not take with a stranger, or with any one he was not perfectly well acquainted with, to touch upon his private affairs.

But this brought to his mind another old friend of his, with whom he had the good fortune to serve many years in the same regiment. He meant Colonel Barré. That gentleman, he believed, resigned his half-pay of Lieutenant Colonel, together with his well-founded pretensions in the army, upon the present Quarter Master General having been put over him : It was, he said, needless to remind the House, that Colonel Barré was wounded at the battle of Quebec, by the side of his friend General Wolfe, and by that wound, he lost the sight of one eye, and now the General declared, he was sorry to understand the Colonel had nearly lost the sight of the other. If he could give a better reason for the pension that has been granted to Colonel Barré, the General said, he would do it.

With regard to the Adjutant General, an office of great importance and business, it would be universally allowed, that it was very ably filled by a gentleman to whom the army stood much indebted on many accounts, and it must give him pleasure to observe, that he had been suitably rewarded with an old regiment and a government : But how he could be spared from the immediate duties of that office in the midst of a war, was not so clear to him—even though for the purpose of being sent to Germany as a Negotiator or Ambassador for the hiring of foreign troops.

But besides those he had already mentioned, he perceived there were other modes of promotion, by means of the print-

ed lists of the army. It had been observed, that there were asterisks applied to the names of some officers, and that in succeeding editions, in some instances those asterisks or military embargoes had been taken off. This, surely, could not arise from want of accuracy in the Clerk of the War Office, who had the charge of making out and correcting the lists in question.

The General next said, he believed there were some officers who were supposed to have retired altogether from the army, who had been brought forward to the very rank they would have been in, if they had continued regularly in it. Upon this, he observed, that as such favours had been granted, he could not help regretting that the like favour had not been extended to one, whom "all that know him, know, and those who love him, tell," that he is a good officer, and a most humane and worthy gentleman, whose father, a Lieutenant General, was killed at the battle of Fontenoy. The General alluded to the present Earl of Loudon.

In short, added the General, it would seem as if there was no fixed or regular system of proceeding, and any officer that may fancy himself to be the foremost in any rank, may find himself disappointed, and some one got before him, by that sort of surprise, which it is difficult for any military man to foresee; and he believed it would be allowed, that any situation was respectable and valuable, only in proportion as it was secure.

Having said so much, he feared he might have become tiresome, particularly to such Gentlemen as might be unacquainted with military affairs, and wholly ignorant of the nature of brevets; he said, he would therefore endeavour to give something like an adequate idea of it to them, by a comparison with other professions. For instance, as it was known that all Archbishops and Bishops, as things now stand, have every one his diocese—and Prebends have each his prebendary or stall, let gentlemen suppose, that upon some future time, any one should advise, as a reward of exemplary piety and long known zeal for the cause of morality, to make a brevet promotion, which was Bishops without fees, and of golden prebends without a living; that, he thought, might give some adequate idea of the military brevet.

And then again, suppose a first Minister willing to reward great, useful, and distinguished men in the profession of the law, but there not being a sufficiency of employments, he should propose a brevet promotion of Lord Chancellors, Lord Chief Justices, and so downward; one would in inticed
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be apt to doubt, whether those learned gentlemen who know full well the nature of parchment, would think their services thereby adequately rewarded, especially should they have ably concluded one or more campaigns in either House of Parliament, whether by a *coup de langue*, whether by a smart fallée, by a regular pitched battle, or by deep, secret and winding saps. Instead of brevet, the General said, they might perceive that some of the learned Gentlemen could occasionally accommodate themselves to encroachments even upon the navy, and some in the higher House, till better preferment cast up; could shape themselves to employments that were wont in former times to be appropriated to the ancient nobility of the kingdom.

To conclude, the General said, he must own he had been, and still was at a loss, with all his poor discernment, even to guess at the reason of the recent promotion of General officers that appeared in the last Gazette, unless it was to bring forward a First Lord of the Treasury to a rank whereby he might with great propriety be put at the head of the army, and thereby equal in the extent of power, as he no doubt did in the extent of abilities, a very great statesman of a former age, Cardinal Richlieu.

And now, seriously to conclude, the General declared, he would only say one word more; which was, that from looking over the list of the army, a stranger would imagine we had General Officers enough to command half the armies of Europe, and he believed too, ably; yet strange as it was, from a circumstance he would make appear, it would seem as if we could not spare any of our General officers from the home, to the now contracted foreign service; however that might be from another consideration, that of giving the General officers, after the fatigues of war, *Otium cum dignitate*. But then it was possible some of them might call it the *otium sine dignitate*, and translate it in English to be "peace without a dinner." The circumstance he alluded to was, from having read in the newspapers of two field officers, who had been lately appointed Major Generals, for the purpose of being sent out to the East Indies. The Major General here again declared, he could have nothing to say against the merits of those officers, but they had not, as far as he knew, yet arrived to the rank of Major General in Great Britain.

He concluded with moving, "That there be laid before this House, a list of all the officers of the lately established American corps, specifying the military commissions they respectively held, previous to their having been appointed to

those corps ; as likewise copies of the stipulation under which those American corps were originally formed."

General
Conway.

General *Conway* said, that the services of the five corps lately put on the British establishment, were such as fairly entitled them to every mark of distinction. One of these, Colonel Dalrymple's, had distinguished itself very much in expeditions sent out from Jamaica ; but most particularly at the affair of Fort Omoa, where, under the command of their gallant leader, these troops gained the highest reputation. Colonel Duncan's corps had signalized itself greatly at the second battle of Camden, under Lord Rawdon. Colonel Fanning's regiment had, during the course of the war, in a variety of actions, performed the most distinguished services ; and though it might have been called a provincial corps, yet, in fact, it had acted like a regular regiment, as it had been raised under the stipulation of serving in any quarter, without wishing to confine its operations to any particular place. It was well known with what gallantry and zeal this regiment behaved at Rhode-island, when it was attacked by the Americans ; to its conduct on that, and many other trying occasions, Governor Tryon, Sir Robert Pigot, and Sir William Howe, had borne the most honourable testimony. Colonel Simcoe's corps was almost above his praise : no regiment ever deserved better of the Crown ; no regular regiment had ever better pretensions to distinction for bravery, zeal, or discipline : let the operations of the army be directed to any quarter, Colonel Simcoe was always among the foremost to offer the services of his regiment, on which occasions he was nothing more than the mouth of his men, who never asked whether they were to serve in the north or south, east or west, but were always ready to offer their services, and to behave like soldiers, in the best sense of the word. The fifth corps was that of Colonel Tarleton : he presumed that it would be totally unnecessary to mention the services of that gallant officer, and his British legion ; for there was not a corner of Europe to which there came had not reached ; nor was there a service in the world in which it would not have been deemed a disgrace not to bestow a mark of distinction on such men, who, in four different engagements, unassisted by any other corps, had defeated superior numbers ; witness the affair with Colonel Washington and General Sumpter ; their rapid march of one hundred miles, from Saturday night to Monday morning, and the overthrow they gave a body of the enemy greatly superior in numbers. — Such were the merits of these

different

different corps, and such were the grounds on which he had advised his Majesty to place them on the establishment. That they deserved distinction no man could deny : perhaps some might think that giving them rank was improper ; for his part, he thought not ; but if the House wished to ground a proceeding on the motion, he would not object to it, but meet enquiry with confidence.

The honourable General had not merely confined himself to the army, but had talked of the church and the long-robe, subjects that he could not presume to touch upon, as they were wholly out of the line of that profession in which he had been bred. If he understood the honourable General rightly, he did not merely wish to see the terms and stipulations upon which the five Provincial corps, that were alluded to in the motion, had been originally raised ; but that an enquiry should be instituted into the conduct of the army during the whole of the war. He could not take upon him to assert, that during so long a war, and while there was so large an army, (near two hundred thousand men having been employed at one time, on the different services) that there was not some ground for complaint ; indeed it appeared to him an impossible thing that there should not have been cause for complaint on some occasions ; if therefore the House thought it right to go into an investigation of the business, he should offer no objection. He was willing to meet such a motion, and to receive the censure, that the House, after a serious enquiry into the whole of the object, should think belonged to him. The honourable General had talked of a Turenne, and a Marlborough ; he could only say in reply, that such characters were not the growth of every day. At the same time he was persuaded, there were in the service, men of infinite ability and infinite merit ; officers who were much better qualified than he had been, to fill the situation in which he had been placed ; thus much, however, he could say with confidence, that no men, be they who they might, however gifted, and however able, could have filled it with more zeal for the public good, with more anxious regard for the interests of the army, nor with more sincere and earnest endeavours to do what was right to the best of their capacity.

The *Secretary at War* rose, and made a short speech, similar in substance to that of the Commander in Chief ; but before he sat down, Sir George said, he wished to know with what view the motion was made, and he thought the words " lately established " rather unintelligible.

The *Secretary at War*.

Major-

Major Gen.
Ross.

Major-general *Ross* got up again to explain some things that the Commander in Chief had not heard distinctly, or had misunderstood.

He said he had no view in the immediate motion, as he had first explained, but to procure information. The Commander in Chief had surely misapprehended him, particularly in one part: as to Major Dalrymple's corps, they had been upon the list of the army, he believed, from the time they were first raised in Ireland. However, he was glad that his motion had then given the Commander in Chief an opportunity, which might not otherwise have occurred, to explain to the House the eminent services of those American corps, and to call to their attention the names of those very distinguished officers, who commanded them, whose gallant deeds were known and admired, not only throughout America, but throughout Europe.

With regard to the idea of a Parliamentary enquiry, the Major-general only now repeated, what he thought he had before expressed, that he had no other motive whatever, but that, if there should appear to have been errors committed in the course of an extensive and ruinous war, they ought to be, but in a liberal manner, fully taken notice of, allowing for the frailty and weakness of human nature, to be pointed out and put upon parliamentary and constitutional record, for the benefit of succeeding ages.

Sir P. J.
Clerke.

Sir *Philip Jennings Clerke* wished to have likewise before the House the terms and stipulations on which all the new-raised British corps had been levied during the war. Sir Philip stated his reasons why he thought they ought to be seen at the same time that the terms and stipulations of the five Provincial corps were presented, and moved an amendment to that purpose. He mentioned Colonel *McCormick's* and Colonel *Keating's* regiments, that had been sent to the West Indies, and declared, he felt it a point of justice to those regiments, that they should be dealt with as favourably as the Provincial corps.

General
Smith.

General *Smith* said, he rose to speak to order. The Speaker told him no question of order could arise upon the bare motion of an amendment. The General thought there might, and argued in support of that idea. He afterwards recurred to his old argument, that if the Provincial corps were put on the British establishment, in strict justice, the two regiments sent to the East Indies had a claim to the same favour. He mentioned the particular merit of Colonel *Ful-*
larton's

larton's regiment, in the action of Sir Edward Hughes, as a proof that it was entitled to considerable praise. The General said, he was glad the motion had been made, and the discussion of the day had arisen. There was a palpable difference in the account of the five Provincial corps officially presented to that House by the Secretary at War, and then lying on the table, and the account that had been given of them by the Commander in Chief. In the official account of those corps, Colonel Pringle's was stated as the first of the five, whereas the Commander in Chief had stated the first of them to be Colonel Dalrymple's; how was that matter to be reconciled? He had always understood, that Colonel Dalrymple's was raised at home, and not in America.

The *Commander in Chief* rose to explain, and said, he believed he had accidentally fallen into an error. He then stated in what manner he had been mistaken.

The Com-
mander in
Chief.

General Ross and General Smith were up again to explain.

Sir *George Howard* asked, what end the motion was to answer, since the avowed purpose of it was to get at that information, which the Commander in Chief had so satisfactorily given the House?

Sir George
Howard.

Mr. *Burke* said, in answer to Sir George, that he had been applied to by letter from a general officer, a most respectable character, and a friend so dear to him, that he could refuse him nothing. That friend had assured him, the motion was of infinite importance in the eyes of military men, inasmuch as the proposed purpose of putting the five provincial corps on the British establishment, gave most serious alarm to the army in general. Mr. Burke, for this reason, said, the matter ought to undergo a full discussion, in order, if it was a right measure, that the army might be convinced that the House, after a proper investigation of it, approved of it. He therefore hoped the motion would pass as originally moved.

Mr. Burke.

A member rose to defend Colonel M'Cormick's regiment as it had been mentioned. He said that regiment had not had any opportunity of signalizing itself by active service, but it had fought against the climate, having the greatest part of it fallen a sacrifice to that of the West-Indies.

The *Secretary at War* proposed to leave out the words lately established, and to insert after the words "American corps" lately put on the British establishment. This amendment was accepted, and at length the motion was agreed to.

The Secre-
tary at War.

March 14.

Mr. Alderman Sawbridge.

Mr. Alderman *Sawbridge* moved for leave to bring up a petition from the deputies of the patent officers, and others in the customs, whose patents and places were to be abolished, if a bill then before the House should pass into a law. This bill, he said, professed to be a bill for diminishing the influence of the crown; but, in his opinion, it would be found to operate directly contrary to this avowed object, by absolutely extending that influence.

Mr. Burke.

Mr. *Burke* seconded the motion, and agreed entirely with the worthy Alderman, that the bill would not only extend the influence of the crown, but would also subject the nation to the necessity of imposing a very heavy burthen on the public, of very little short of 100,000*l.* with a very slender prospect indeed, of deriving any benefit from the measure.

Sir Joseph Mawbey.

Sir *Joseph Mawbey* was of a different opinion. The petition was then brought up and read; and on a motion, it was ordered that it should lie on the table till the second reading of the bill.

Sir Herbert Mackworth.

Sir *Herbert Mackworth* gave notice, that on Monday next he would move for a committee of the whole House, to take into consideration an act of the 12th Charles, prohibiting the growth of tobacco in England. He said, that while America belonged to us, this act might be very proper: but now that she was separated from us, it would be impolitic to suffer it to remain any longer in force. The Irish had betaken themselves to the cultivation of tobacco four years ago; there were several plantations of tobacco in Scotland; it was therefore high time for England to turn her thoughts seriously to so material an object of commerce.

Ed. Surrey.

Lord *Surrey* said, that last year an act had passed, by which a duty, amounting to a prohibition, had been imposed on Scotch tobacco, which had effectually destroyed the growth of that commodity in Scotland: but, at any rate, there could not be, in his opinion, a more improper time for discussing such a question as the honourable Baronet intended to bring forward than the present, pending a treaty of commerce with America. Sir Herbert, however, persevered in his determination to make his motion.

Sir Cecil Wray.

Sir *Cecil Wray* moved for copies of all letters or orders from the Secretary at War, Commander in Chief, or any other of his Majesty's Ministers, promising half-pay to the officers of corps raised in America.

General

General *Smith* seconded the motion; and the Commander in Chief, assenting, it passed without a debate.—This motion was made by way of supplement to the motion made yesterday by General *Ross*. General Smith.

Mr. G. *Onslow* gave notice, that as soon as the country should have a Ministry, he would move the House to address his Majesty to part with Gibraltar on reasonable terms. Mr. G. Onslow.

The House then resolved itself into a committee on the mutiny bill. The Secretary at War informed the committee, that the bill before them differed in some respects from that of the last year. The House had already voted the war establishment of the army to the 24th of April; and as this bill was to regulate the army, it was intended that it should be in force, only to the same period. In the mean time, the estimates for a peace establishment would of course be laid before Parliament; and then a new mutiny bill would be brought in to regulate that peace establishment. This bill differed also from the last, in as much as it made no provision for the government of troops in Minorca; but the reason was obvious;—that island was no longer ours. He observed that the bill then in the committee must necessarily be passed without any delay, as the mutiny act would expire on Monday se'nnight, with respect to England; though it would be in force with respect to troops in the plantations till the year 1784; and till the month of May next, with respect to the forces in Jersey and Guernsey. The bill passed through the committee without any debate; and the House having been resumed, adjourned immediately.

March 17.

The report was made of the American trade bill; when Mr. Eden having stated various objections, Mr. Chancellor Pitt said, the shortest and best way would be to re-commit it. The House accordingly went into a committee, in which Mr. William Pitt informed the committee, that the American commissioners at Paris, had seen the outlines of the bill, were highly pleased at the generosity of Britain, and made no doubt, but America would do every thing in her power to promote the interest of this country.

This was answered by several different speakers, who argued, that if the American commissioners liked the bill as originally introduced, their approbation could not be con-

strued to the bill in its present form, as nothing could be more dissimilar than the two bills were in shape and tendency. It was also contended, that care ought to be taken that the active spirit of liberality, so conspicuous in this instance on the part of Great-Britain, did not carry the House much too far, and that what at the present moment, with very good reason, proved satisfactory to the United States of America, might not hereafter be found to be a source of most serious inconvenience and disadvantage to this country.

At length, at half past seven, after an infinity of argument, reply, observation, and comment, the Chairman was directed to report a progress, and ask leave to sit again as this day.

March 18.

As soon as the Chancellor of the Exchequer came in, and took his seat on the Treasury Bench, the Speaker called the House to order, and gentlemen having taken their places, Mr. T. W. Coke (member for Norfolk) rose, and gave notice, that if no administration was formed by Friday next, he would on that day move an address to his Majesty on the subject.

The House then resolved itself into a committee on the American trade bill, and proceeded to debate, alter, and amend its two concluding clauses.

On the last clause of this bill, which gives an open trade between the United Provinces and our West-Indian islands,

Lord Sheffield.

Lord *Sheffield* said, no part of the bill seemed more objectionable than the clause before them. He had flattered himself, it would have been given up with the same candour as several other very pernicious clauses had been given up, which was the only atonement that could be made for bringing in so ill-imagined and ill-considered a bill. The clause in great measure sacrificed the West-Indian trade, and with other parts of the bill, sets up the American carrying trade on the ruin of our own. If the words at the end of the clause — “manner heretofore used,” were to include duties, America would have the pre-emption of our sugars at one shilling and six-pence duty per cwt. while Britain pays six shillings and ten-pence. It was obvious, that America would soon have the ruin trade and the carriage of sugars. France, however, had had the good sense, in their treaty with America, which was truly reciprocal, to refuse the very thing we were giving by this clause. But his Lordship said, he arose particularly to point out the effect the clause might

might have in regard to Ireland, especially as it seemed least understood. That kingdom submitted to pay the same duties as Britain on imported sugars and other West-India articles, and laid prohibitory duties on similar articles from foreign islands, because Britain gave her a free participation of the monopoly of the West-India trade. By this clause, that monopoly would cease, and it was to be apprehended that Ireland would think Britain had done away the consideration that induced her to shut her ports against foreign sugars, at least she would not think it necessary to charge her own consumption of sugars with higher duties than it is required from America. The clause in question would in a few years deprive Ireland of the provision trade to the West-Indies, and severely injure her only other trade in linen. The various climates of America would produce every thing that Ireland can, and American ships returning from the Baltic would carry linens. The Irish act laying prohibitory duties was biennial, and would expire next Christmas; when the question of renewing it came before the Irish Parliament, this clause would forbid it. The idea of a direct trade from thence to foreign West-India islands, or foreign East-India settlements, were not quite new. He wished there might be no opening for ill humour. His Lordship concluded by saying, I have heard no satisfactory reasons given why we should encourage others to be the carriers of our trade. I wished to have stopt with the first clause which opens our ports to and from America. We shall have transports and seamen in plenty unemployed to carry our manufactures to America and the West-Indies, and to bring from those countries what we want; America will take what she wants, and that only, and will gladly sell to us what we want. It will be time enough to give her peculiar advantages, when we have an opportunity of treating with her for advantages in return. In the mean time, so far from giving up any part of the carrying trade, we should exert ourselves to prevent our unemployed seamen from passing over to the Americans.

The clause, however, after some observations from different members, and some alterations, passed. The bill was reported, ordered to be reprinted, and taken into consideration on Thursday.

March 19.

No business.

T t t 2

March

March 20.

The order of the day for reading the bill, for granting a bounty on linens, was called.

Mr. Jackson.

Mr. *Jackson* desired that a bill of this nature might not be hurried with any precipitancy through the House: he doubted whether it was right to give any bounties, or to go to any such public expences, before the state of the public finances had been considered; and he had not heard a satisfactory ground for this partiality to linens and calicoes in preference to woollens.

Earl of Surrey.

The Earl of *Surrey* said, he did not mean to argue the question, whether it would be proper to encourage the linen against the woollen manufacture; the question at present was simply this, whether the House, by withholding a bounty, would suffer the Irish linen manufacture to destroy the linen manufacture of Great-Britain? and gentlemen must see that it would be destroyed, if while the Irish government gave a bounty the English should withhold one.

Mr. Eden.

Mr. *Eden* said, that England was in some degree of equity bound to give a bounty on linens; for by the last act, by virtue of which she gave a bounty, it was stipulated, that it should last as long as the Irish act, by virtue of which the government gave one: that Irish act had since expired, and with it, of course, the English bounty; but the Parliament of Ireland had since renewed their act, and by an equitable construction, the English bounty ought to be renewed. [The bill passed through this stage without opposition.]

The report was then made of the American intercourse bill, to several clauses of which

Mr. Eden.

Mr. *Eden* stated various objections: he said, that as the American ships might, under this bill, be navigated by British subjects, who were to be protected in the American service, it might hereafter happen, that in case of war with America, there might be thirty thousand of our seamen in their ships, and absolutely engaged to fight against us. That the teas which were to be exported to America, were, under this bill, to be subject to such duties as would absolutely prevent the Americans from trading with us at all.

He said, that nothing but an extreme anxiety to discharge his duty towards the public, could induce him once more to start objections to that bill, which might tend to retard its progress; but disapproving as he did of the whole principle of the bill, and foreseeing much mischief in every step taken

under that principle, he had watched, and should continue to watch the several clauses, with a determination to make them as little hurtful as possible. He was every hour more convinced that the bill tended to sacrifice the navigation and real strength of the kingdom, to a pursuit of temporary commerce and individual interests; and without feeling any obstinate attachment to his own ideas, he must regret that the House had not adopted his original recommendation to open the ports, and to leave for a limited period a discretionary regulation of the trade vested with the King's Council. He must observe, that a power was given to the United States to import naval stores, under terms which might affect the British manufacturers of pitch, tar, turpentine, rosin, and oils. — That the restraining the American ships from bringing any goods or merchandize, but those of their own growth and produce, might ultimately, perhaps be found expedient, but was at present harsh, and contrary to the avowed principle of the bill; perhaps it was the only instance where we should meet a reciprocity. That the clause respecting drawbacks was so framed, as to preclude the export of a single pound of tea from this kingdom, except to Ireland; (he particularly explained how this would happen.) And as to the West-India clause, which he wished had been the object of a separate bill, he thought it big with dangers to our commerce, navigation, and manufactures: its operations might be slower on the British trade; they might more immediately convulse the Irish trade. And yet he was not prepared to shut the West-Indies from a supply of North-American provisions and lumber. Besides, the clause was so drawn, that an English vessel could not go from the West-Indies to the United States; and the carrying trade was therefore not only given, but confined to the American ships. Upon the whole, he recommended an adjournment of the farther consideration of it for three or four days.

Mr. *Chancellor Pitt* was surprised, that after so much pains had been taken to amend the bill, there should now be a debate upon the principle: the clause relative to drawbacks on teas might be so modelled, as to remove every objection; and the insertion of the words "and of Great-Britain" after the mention of "the ships of America," would take away all the handle for opposition, on the idea that British ships would be excluded from a trade to which the American ships were to be admitted. To these alterations he would have no objection; but he said, if the consideration of the bill was

Mr. Pitt.

to be still farther adjourned, and the House was not then ripe to decide upon it, a great deal of time had been wasted, and the patience of gentlemen wearied and exhausted to very little purpose. For his part, he should in that case make no scruple to declare, that he had gone as far with the bill as he chose to proceed, and was determined to take no farther share in the business. It was, he observed, agreed on all hands, that some bill was necessary, and that Parliament ought to pass a law, adapted to the new situation of the country. The House had spent many days in discussing the subject, and every amendment and alteration that had been offered, had been very amply debated, investigated, and considered. He could not, therefore, accede to the right honourable gentleman's argument, as to the necessity of adjourning the farther consideration of the bill for two or three days.

Capt. Luttrell.

Captain *Luttrell* said, he retained his former objections to its passing into a law of experiment, without something more than a probability of our meeting mutual return of favour from the Americans. He thought neither the present situation of Government, nor the necessity of the times, warranted their proceeding farther on the bill; neither had he been able to discover through its progress the reason why it was presented upon Parliament for a hasty decision, unless for the purpose of screening those who should, in the moment of reconciliation with America, have opened the trade, by virtue of the power and authority vested in the King in Council for that purpose, which was wisely given by the legislature last year, that they might vie with other nations, in expedition and encouragement, to invite the American Trade into this country; that opportunity being lost, it should seem to be the intention of this bill to impose a belief on the people, that no such authority before existed, but that some fresh power was necessary for the purpose. He thought it, however more prudent and safe, rather to avail ourselves of it at the present hour, by addressing his Majesty to suspend the Prohibitory Acts, and to offer America a fair trade with this country, under the former authority, than to proceed in the present bill; and yet he was ready to say, without paying it any great compliment, that it was by many degrees less exceptionable, than when it was first attempted to be proceeded on in a Committee. For, he believed, a more crude, indigested, and fatally mischievous bill for this country was never introduced to that House; it might perhaps have served in some degree to save the credit of the then Ministers,

Ministers, but it would diminish the credit and naval strength of this nation to an alarming degree. He was surprised, that in so momentous a concern to our navy, the bill should have been scrutinized by almost all descriptions of men, except those that were most called upon to investigate its demerits ; (he meant the Board of Admiralty) yet through its various stages he had looked with equal impatience and disappointment for their opinion, how far it would contract the means of our employing seamen, or commanding their services in a future war. Were they even under controul now, (which was not the case) would they be likely to obey a recal from a service to which they would soon become habituated, and form family connections or friendships, that we should not have the power to sever them from ? By this bill we permitted the Americans to be the carriers of various commodities to our West-India islands, as well as to Europe, without security that they would admit a British ship into any of their ports ; and if they refused it, in the attempt to restrict the trade with our islands, by another Prohibitory bill, we might probably lose them in the way we had done the American Colonies. Therefore in every view of such a bill, it must be a hazardous one to pass at any time ; but some law of the sort, he admitted, must be made before July next, when the present powers to open the American trade would expire ; we should have, he hoped, before that time, a wise and prudent set of Ministers, who might possess abilities to judge, and confidence to carry into effect, a commerce of mutual advantage between this country and America. To that period he should look with impatience, and in the mean time, he wished to see the trade with America opened, under the authority of the former act, by the King in Council, that the effects of our indulgence to that country might be seen before we went the lengths intended by the present bill, which he thought was unnecessary at the moment, as it was ill-timed and impolitic, therefore he said, he would vote against the report being received, and for the adjournment, which the right honourable member who spoke first had proposed.

The *Solicitor General* [Mr. Arden,] said it was a mistaken notion, that the King and his Council had been invested with powers to open the trade with America, independent of the aid of Parliament, which powers his Majesty and his Council had neglected to exercise. The plain fact was, no such power was lodged in the Crown, either by right of prerogative,

the *Solicitor General*.

rogative, or by virtue of any statute. His Majesty was not authorized to give up duties enacted by express laws; besides, his Majesty was forbid by the navigation act from proceeding to the lengths that the nature of the case made it necessary to go, nor could the trade with America be opened without the assistance of Parliament. For that reason, and on the ground of absolute necessity the present bill had been introduced. The principle of it professedly was to open a trade with America, and remove all obstructions in the way of such an object. The House in general had approved of the principle, and as far as he had been able, he had endeavoured to adapt the clauses of the bill to that principle, in the way that appeared to him most consonant to the sense of the House. He had again and again declared, that he neither had, nor pretended to have an intimate knowledge of regulations of trade and commerce. He had laboured to keep the avowed principle of the bill in his view, and to shape the clauses of it as the House appeared to wish. If the House now thought that such a bill ought not to pass, they would do right to debate its principle at the third reading; but at present he conceived it ought to proceed, and such alterations of the particular clauses, as were necessary, might be made, while the Speaker was in the chair.

Lord
Sheffield.

Lord *Sheffield* advised the House to pass a short bill, adapted to the general purpose of opening the trade with America, and to leave all the more minute and particular considerations that had been hinted at in the course of the conversation, as subjects for future discussion, and to be made the objects of a separate bill.

The House proceeded to consider the report. Various amendments were then suggested, and after a considerable time spent in conversation on the clauses,

Sir Cecil
Wray.

Sir *Cecil Wray* objected to the whole bill, and stated that the merchants had advertised a meeting upon the subject, and it would be better to wait for their sense of the principle of the bill, and of its several clauses.

Mr. Chan-
cellor Pitt.

Mr. *Chancellor Pitt* stated at large his own conduct, and his willingness, as a servant of the public, to follow the sense of the House.

Mr. Burke.

Mr. *Burke* urged the going forward with the bill, and the inconvenience of delays.

Mr. Eden.

Mr. *Eden* said, that he had seen these delays with great uneasiness, during a prevalence of easterly winds, and with many ships in different ports of the kingdom, ready to sail; but

but perhaps it was better to submit to some inconvenience, than to pass an ill-digested law, which might hang like a mill-stone about the neck of this kingdom. The importance of the discussion was allowed; its difficulties were evident, from the length and frequency of that discussion; he would now move to postpone it, not for the sake of having the advice of the merchants; he was well known to respect their information, but was not in such a business to be guided by their advice; He wished to postpone it, in order to obtain the assistance of many able members, who had not yet attended or borne their share of the difficulty. he must, however, previously do justice to the right Honourable gentleman [Mr. Pitt,] who had introduced the bill; it had been a most teasing and troublesome discussion, but had been throughout conducted by that right honourable gentleman with a liberality, patience, candour, politeness, and good temper, which would for ever command the admiration and respect of every individual concerned.

The Solicitor General, Mr. Thornton, the Chancellor of the Exchequer, and other Members spoke upon the subject of the bill more than once; at length the farther consideration was adjourned till Monday.

March. 21

The order of the day for going into a committee on Mr. Burke's bill, for explaining and amending the act that passed last year for regulating the pay office, having been read,

The *Secretary at War*, [Sir George Yonge,] moved that it be discharged, and a new order made for committing it on Tuesday se'night. His reasons for wishing for a delay were, the impropriety of carrying through the House, in the present unsettled state of affairs, a bill to which there were many solid objections; and the indisposition of the Paymaster-General, who was unable to attend on this day; but who wished nevertheless to have an opportunity to state the inconveniencies to which the bill, if passed into a law, would subject the Pay-office.

Mr. *Burke* did not feel the weight of the reasons given for the desired delay: it was not at all necessary that Ministers should take any part in the bill; and therefore it might as well pass now through the committee as at any other time: the opinion of officers of the army was more necessary in this business than that of Ministers. The object of the bill

was simple and obvious ; it was calculated merely to prevent the possibility of the public money being detained in the hands of either the Paymaster or the Bank ; its aim was economy, and that aim was endeavoured to be attained by the easiest means in possibility ; and if those likely to be affected by the bill, and the House had not used the ample opportunity that had been afforded them for considering it in every point of view, he feared they would not more attend to it should that opportunity be farther enlarged ; certain he was that every possible communication upon the subject had been freely made to the former. The first of the two reasons, therefore, that had been stated for farther delaying the consideration of the bill appeared to him to be of no weight whatever. As to the indisposition of the Paymaster-General, there was no man lamented the circumstance more than he did ; but still he did not think that it was necessary the further progress of the bill should be suspended, until the worthy Paymaster should be able to attend in his place, as that gentleman might state to some friend the objections he had to the bill, and commission him to state them to the House. The motion passed without any further debate.

The Lord
Mayor.

The *Lord Mayor* then moved, " That there be laid before this House copies of the several reports of the superintending Land Surveyor and Solicitor, which, by the minutes of the Board of Customs of the 24th of October 1777, appear to have been read before that Board."

This occasioned a short conversation between the Lord Mayor, the Chancellor of the Exchequer, and Mr. Burke.

The Chan-
cellor of the
Exchequer,

The *Chancellor of the Exchequer* refused to consent that the report should be brought up ; he said that it was a strange way to oppose a bill, by making an enquiry into the characters of several clerks of the customs. The House divided on the motion for bringing up the report, ayes 65, noes 58. Majority for the Lord Mayor's motion, 7.

It was next moved, " That there be laid before this House, a copy of the minutes of the Board of Customs of the 8th of December, 1778, to the deputed searchers, and the report of the general surveyor of the 27th of October thereon, upon a complaint against Mr. Seddon, one of the deputed searchers, touching a demand of fees for the shipping of ninety-three casks of provisions, by sufferance, at an unlawful quay, together with the subsequent report of the solicitor and general surveyor thereon."

The same was, upon the question put, ordered accordingly.

Mr. *Coke*, who had promised to make a motion this day for an address to the King, if on or before Friday, a ministerial arrangement was not made, informed the House, that as he understood the arrangement was nearly, if not wholly settled, he felt it would be unnecessary for him to make the motion, of which he had given notice.

The Earl of *Surrey*, on the other hand, declared, that if the arrangement was not fully completed on Monday, he would himself make a motion of the same nature with that, which the honourable member intended to have made.

Mr. *Hill* rose next, and said, that as the honourable gentleman who spoke first had mentioned an intended motion, he should beg leave to mention an intended amendment, in case that motion had come forward.

The Speaker said, as no motion was actually before the House, the amendment was not strictly regular—but the House calling out, read! read!

Mr. *Hill* read his intended amendment in the following words: “And that his Majesty would be graciously pleased not to nominate, or appoint any person or persons to fill up the vacant departments, who, by their mismanagement of public affairs, and want of foresight or abilities, when they were in office, have lost the confidence of the people.”

Mr. *Buller* said, he had come down to the House in full expectation of either hearing an arrangement of administration notified, or of hearing the honourable gentleman make his promised motion. The Honourable gentleman having declined doing so, he was in hopes the noble Lord in the blue ribband would have given to the House some satisfaction on a subject, on which they must naturally be supposed to be extremely anxious. If the noble Lord, however, did not choose to say much himself upon such an occasion, he at least thought to have heard something from one or other of the noble Lord's new friends and connections.

Mr. *Chancellor Pitt* then rose, and said, it was perfectly natural in the honourable gentleman who had spoken last, to feel some anxiety, as well as the rest of the House, under such peculiar circumstances, but he conceived the silence of those, who had heretofore been most clamorous for the motion, of which an honourable gentleman had a few days since given notice, but which he now thought proper to decline, spoke as eloquently as words could do upon the subject,

ject, and might afford the House every satisfaction they desired.

Mr. T. W.
Coke.

Mr. *T. W. Coke* rose again, and said, his wishing to decline making his intended motion, arose from delicacy, and from his conceiving that while an arrangement was forming, it would be equally unnecessary and improper for him to move in the manner that he had formerly proposed.

The next order of the day was called for, and the committee of supply, and of ways and means, being adjourned to Monday next, the House rose.

[The annexed tables were laid before the House. As they contain important information, we take the first opportunity of laying them before our readers.]

March 24.

This day the House was as full as it has been this session, owing to the arrangement which was so confidently talked of on Friday last being totally broke off. The gallery was full by half past one; and there were by three o'clock at least four hundred members in the House.

MOTION FOR A MINISTRY.

Mr. Coke.

Mr. *Coke* informed the House that he had delayed his promised motion until this day, as he understood last Friday that there then was an administration on the eve of being formed, which would have possessed the confidence of that House; since that time he understood that the negotiation was broken off, and therefore he thought it incumbent upon him to make his promised motion. He mentioned the distracted state of the public affairs, and called upon a right honourable gentleman opposite to him, to say whether any administration was formed, or whether any was forming, with the likelihood of possessing the confidence of Parliament.

Mr. Pitt.

The *Chancellor of the Exchequer* rose, and declared that there did not at present exist any administration to his knowledge; but he could not take upon him to say what men were likely to enjoy the confidence of their country.

Mr.

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1774
 1775

Michas. 1780 to
Michas. 1781.

**Michas. 1781 to
Michas. 1782.**

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37	9
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78292	0	8
06890	12	8
93450	15	7

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78374	11	7
81827	12	8 $\frac{1}{2}$
155065	11	6 $\frac{1}{2}$

009-1-076800

Add:

Silver Plate, July 5, 1756

One Penny per Ell on Foreign

Ditto,

Ditto,

Ditto,

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Address

Stamp

Ditto,

Additional Subsidy on Pounds,

Dirio,

1779 to Michas. 1780.		Michas. 1780 to Michas. 1781.		Michas. 1781 to Michas. 1782.	
s.	d.	£	s. d.	£	s. d.
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-	-	26908	0 0	115741	0 0
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-	-	69567	1 4	306680	19 6 ^I / ₂
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d.	£ s. d.	£ s. d.
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—	68 9 11 1/4	60972 2 3 1/2
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Michas. 1779 to Michas. 1780.	Michas. 1780 to Michas. 1781.	Michas. 1781 to Michas. 1782.
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I A M J O N E S.

Mr. *Coke* then entered into the cause on which the motion, Mr *Coke*.. he was about to make was founded, and the reasons by which the necessity of it were supported. He lamented that public necessity obliged him to take a step which might seem an infringement on the prerogative of the Crown, and that the present distracted state of affairs at home was an additional spur to such a step. But matters were so situated, that it became the duty of Parliament to interfere, and to apply to the Sovereign for redress. It was the public call of the people by its representative body, and he hoped it would not only meet the compliance of the Sovereign, but that it would have the unanimous concurrence of the House. Justice, he said, to his constituents, and justice to his country, required the immediate execution of this measure. He lamented that the negotiation with the noble Duke, to whom he had referred, was gone off; that arrangement he had understood to consist of men, who, he verily believed, would have had the confidence of the House. He was therefore not a little amazed at having heard that an end was put to the negotiation, and if it should hereafter appear that the reason of breaking it off arose from any intention of making up an arrangement from those Ministers, upon whose conduct that House had thought proper to pass a censure, he conceived the House would be much displeased. Mr. *Coke* said, every man, both in and out of Parliament, must admit the necessity of having an administration, and that immediately. He added some other remarks in so low a tone of voice that we could not distinctly hear them, and concluded with moving,

“That an humble address be presented to his Majesty, that his Majesty will be graciously pleased to take into his serious consideration the very distracted and unsettled state of the empire, after a long and exhausting war; and that his Majesty would therefore condescend to a compliance with the wishes of this House, by forming an administration entitled to the confidence of the people, and such as may have a tendency to put an end to the unfortunate divisions and distractions of the country.”

The Earl of *Surrey* rose and seconded the motion, observing, that although he did conceive it carried with it some slight ideal infringement of the prerogative of the Crown, yet the absolute necessity of having an administration, and the little prospect he saw of forming one according to the late modes of negotiating, made such a motion extremely proper

The Earl of
Surrey.

proper. There was a high respect due to the Sovereign, but there was also a high respect due to the people; and where the one could not be injured by the mode pointed out of serving the other, he thought it highly requisite to adopt the idea of his honourable friend, and address the Throne to relieve the kingdom from its present difficulties, and to point out what kind of an administration would best meet the hearty support, confidence, and good wishes of his people. His Lordship mentioned the unfinished state of our political negotiations with foreign powers, no definitive treaty being signed with France and Spain, no commercial treaty settled with America, our army and navy in a state of mutiny, the East India Company standing in need of the immediate aid of Parliament, both with regard to their affairs at home and abroad, and many other great and important considerations calling loud for the management of Ministers, it was impossible to go on without a government; and therefore, exceptionable as the present motion was, he should give it his support, because he was convinced if that House did not call for an administration, the people would in a manner still more exceptionable.

Mr. Buller.

Mr. Buller said he should oppose the motion, as he thought it totally unnecessary. His Majesty, he said, he was confident, had by no means been a bar to the arrangement being formed, for he was confident he had sacrificed his own feelings, and given up his opinion, merely to comply with the wishes of his people. The coalition that had lately taken place surprised him, he said, beyond all description; he had heard the right honourable gentleman (Mr. Fox) for a series of years, reprobate the conduct of a noble Lord (North) in the severest terms; he had scarce ever agreed to a single act he had done: therefore he was astonished to find that right honourable gentleman form a coalition with that noble Lord, and as warmly support as he had formerly abused him. The chief reason, he believed, of no arrangement being formed was, that a quarrel had already began between the two great leaders of the coalition, which should have the most power—whose friends should be provided for; and the struggle was not for the public good, but merely who should have the loaves and fishes. His Majesty therefore was by no means the cause of so long a delay, but that it would rather be found that the first moment it became a question, how officers were to be appointed, difficulties had occurred, which, to a coalition so formed, must necessarily prove

prove the source of much trouble, and take a good deal of time to accommodate.

Mr. *Martin* rose immediatly and reprobated the coalition. It was scandalous and ridiculous, he said; it was reprobated in all companies he went into; and how it came to be formed, he was at a loss to know. With respect to himself, he had for seven years uniformly opposed an administration which, he was certain, was hastening the ruin of this country as fast as possible; his opposition to that Ministry arose purely from a hope of rooting out those men, and not with any sordid views; but he was astonished, he said, to find that a great part of those who assisted him in that opposition, had now coalesced with the noble Lord, the great supporter of the American war. He was equally surprised, he said, to see that others, who had been the chief means of all the distresses which this unfortunate country now laboured under, instead of meeting with due punishment, were rewarded with pensions, peerages, and ribbands: he wished to God the only reward they had met with had been ribbands; the expence of them was no great deal; but to see reward so prostituted, was what he by no means could approve of. He had attended, he said, several public meetings lately, and was shocked to see what arts were made use of to cajole the people into a belief, that the coalition was meant for the public good; he wished it might turn out so, if it did, he should be greatly deceived.

He never could conceive that men, who had constantly avowed principles so extremely opposite could cordially unite. Mr. *Martin* stated, that he had for years acted with Mr. Fox on principle, that he had concurred in reprehending the American war, and the various other measures of the noble Lord in the blue ribband, who he did not then see in his place, though he knew not why he was absent. He considered the noble Lord as the cause of the calamitous condition of the country, and could not support an administration in which the noble Lord had any share. Neither could he forget what he had heard from the honourable gentleman repeatedly upon the subject of the noble Lord's conduct. To the honourable gentleman's coming into office he had no objection, and would willingly, as he had before, give him his support with the desire of no other reward, than the hope that the country would be served.

Mr. *Hill* appologised to the House for not making the amendment he proposed on Friday last; however, he hoped
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he should stand excused when he declared that he did not see any necessity now for it, as the motion went nearly to the same effect; it was to take into administration such persons as deserved the confidence of the people; that perfectly included his amendment, for if it took in such as deserved the confidence of the people, it must naturally exclude those who had lost their confidence.

A report prevailed that day, he said, that the right honourable gentleman (Mr. Pitt) was called to an important office, (First Lord of the Treasury); he wished it was true, for he could not but acknowledge that his abilities and integrity were such as made him equal to any post he could be called to. He was confident Mr. Pitt would, when he had a little more experience, become one of the greatest ornaments this country ever saw; and he should lament to see an administration formed, that could exclude such vast abilities.

He said, he had always thought highly of Mr. Fox, and if he were disunited from his new connection, he would still be ready to exclaim, *et tu Marcellus eris*. After this, he stated his objections to the coalition lately formed, and said, from the short time he had been a member of that House, he had learnt one thing; and that was, that a politician ought to be capable of sacrificing a whole nation to his interest or his ambition.

Mr. Fox.

Mr. Fox rose, declaring that he never could sit still and hear the name of Majesty brought forward in debates, to screen the actions of any set of men whatever. That House, he said, knew nothing of his Majesty's private feelings, or his Majesty's private opinions; they could suppose nothing about them. Whatever were his Majesty's private feelings or opinions, they were only known to his own royal breast. His Majesty, he said, could never act wrong, unless he was ill advised; it would therefore be proper to state from whom he could receive that ill advice, and it was plain to be seen from what channel it had come. The nation had been now near five weeks in a state, perhaps, such as it never before experienced, carrying on measures without any ostensible persons to answer for their effect. He owned, when the honourable gentleman had arisen, who spoke last but one, he did imagine the honourable gentleman had intended to move the same amendment, which he understood the honourable gentleman had read to the House on Friday last. He used the word understood, because from accident, and from accident

accident merely, he had happened to be out of the House at the time. That amendment was a part of a motion which he had formerly had the honour to make, but which had not been adopted by the House, though it had received the support of a very respectable minority. It could not therefore be brought forward as a matter that had met the sanction of the House. The honourable gentleman had now said, he would not move the amendment for the sake of avoiding the confusion, into which it might have led the House; undoubtedly such would have been its effect; but the confusion would have been still greater than the honourable gentleman seemed aware of. For had the amendment been moved, he should have proposed an amendment upon it; if the first amendment had been carried, which desired his Majesty not to employ persons, who from want of foresight had lost the confidence of the people, his amendment would have been to have added the words, "and also, that his Majesty would be graciously pleased not to employ as Ministers, any of those whom that House had declared to have made a peace, in which the concessions to the adversaries of Great-Britain were greater than they were entitled to, either from the actual situation of their respective possessions, or from their comparative strength." Had both those amendments been before the House, and certainly the one was as fair, or more so, than the other, (because it stood on the Journals of the House, which the other did not) he verily believed the House would have been not a little confused how to act. If the honourable gentleman insisted that the motion of last year, although supported by a respectable minority, ought to preclude the noble Lord in the blue ribband, surely his candour must make him acknowledge, that the vote of the 21st of February, above alluded to, must equally preclude the noble Earl, who was at the head of the Treasury. Well then, what would be the consequence? Both those parties being excluded, there would be only one set left unimpeached; and although that was the set he most wished for, he should have voted against both amendments, confident, that however respectable the Rockingham party were, they were not sufficient to stand alone.

The noble Earl, he said, who seconded the motion, had treated it rather too seriously, in thinking it would be an infringement on the prerogative of the Crown. He was ready to own, that it was unconstitutional in that House to meddle with the prerogative of the Crown; but he never could

agree that it was not perfectly constitutional for them to enquire into, and to censure the conduct of the advisers of the Crown, whenever occasion called for it. He did not in the present instance conceive it possible for the calamitous situation of the country (arising from the five weeks want of a responsible administration) to have happened, had not the Crown been ill advised. Had a single hint only been afforded those, with whom he acted, that the degree of confidence necessary to carry on the measures of government would be placed in them, every thing would have been easily adjusted. The motion went to that, and therefore, in giving it his support, he could not think he countenanced an unconstitutional interference with the prerogative; although, had the motion borne such a construction, as the noble Lord who seconded it had truly said, the present situation of the country would have been a full justification. Let the noble Earl only look at the speech made by his Majesty at the opening of the present session, and he would there see a lesson laid down to the House; for the Minister had made his Majesty say, that he knew the sentiments of the people better than their representatives. The speech recommended the House to act with temper and wisdom, collectively and individually, and concluded with saying, "My people expect these qualifications from you, and I call for them." Surely, he said, the House had an equal right to say to the throne, "The people expect an Administration they can confide in, and to you they call for it." — To form an Administration of that kind, he said, it would be necessary to call forth great and distinguished abilities from all parts of the House; it must be an Administration formed on a broad basis.

If ever it was right to forget former animosities, to forego ancient prejudices, and to unite, it was right now. The situation of the country required a coalition of parties, and in order to attain so great an object, where so much was at stake, and to form an Administration on a broad and permanent basis, he was ready to shake hands even with those opposite to him, as well as with the noble Lord in the blue ribband, and from out of the three parties to form such an Administration as the country could look up to with hope and with confidence. In order to effect this, it would neither be wise nor prudent to point out the former errors of one party or of the other, but to lay aside the recollection of the past for the sake of being able to do well for the country in future. With regard to there being persons ready to accept of power,
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it was a fact that there were. But surely for men to be ready to endeavour to serve their country in a moment of uncommon difficulty ; with a table full of great and important business, with a loan to be directly made, with many other questions of infinite magnitude, pressing for immediate discussion and management, and with the prospect of a powerful opposition : under all these circumstances to be willing to undertake the government of the country from a hope that they might, by an union of abilities, and a vigorous exertion of them, rescue the empire from its present calamitous condition, was surely a matter in favour of those, who were ready to undertake the government, and the more entitled them to the thanks and confidence of that House and of the country in general. With regard to the eagerness of gentlemen so sarcastically mentioned, if any man thought in times like the present, that he and those who acted with him, were influenced merely by motives of a personal nature, he was willing to let them remain in that opinion. To such an argument he would not offer one word in reply. He had heard, he observed, a good deal from an honourable gentleman, who spoke early in the debate, about the new friends and new connections of the noble Lord in the blue ribband. He was a little surprised at hearing such an attack from such a quarter. He was not old enough to remember it, but he understood, that the honourable gentleman himself, fourteen years ago, quitted those who were now the noble Lord's new allies, then the honourable gentleman's old friends, to join the noble Lord. Was it more reprehensible for him, and they who acted with him, to do that in a body now, which the honourable gentleman had thought proper to do singly, as an individual, fourteen years ago ? As to the honourable gentleman's suggestion, that the difficulty and delay that had attended the arrangement of Ministers, would be found to have arisen from a difference of opinion between the heads of the two parties that had united, the honourable gentleman was mistaken. He did not believe it arose from any want of disposition on the part of his Majesty to comply with the wishes of his people, and he knew that it originated not in any difference among those who had formed the coalition, so much disapproved of by the honourable gentleman who spoke last. With regard to their conduct respecting the arrangement, he heartily wished he was at liberty to state every particular of it without reserve. The more it was known, he was convinced, the more it would be approved. It could

hardly, however, he said, that there was no Government, on the contrary, for these five weeks past it had been the most open and bare-faced Government ever known in this country. Not a Government by Ministers, not by a First Lord of the Treasury, or by Secretaries of State, those puppets and instruments of others, but by the persons themselves who had been supposed only before to possess some secret influence, but who now stood forward as the private advisers of his Majesty to act in opposition to the wishes of his people and to the sense of his Parliament. [During this Mr. Fox looked hard at Mr. Jenkinson.] It was, he verily believed, owing to that secret influence alone, that so much delay had hitherto been practised. If any man wished to see who it was that had for five weeks past governed the kingdom, and ill advised his Majesty, let them go to the other House, they would there find the great adviser in his true character. Let them mark the man, they would see difficulty, delay, fullness, and all the distinguishing features of what had been falsely termed an interregnum of Administration, but what was, as he had before said, a sample of the most open Government ever known in this country. Mr. Fox adverted to other topics; and said, the motion had his hearty approbation, and he trusted that there could be no objection to it. He advised the House by all means to be unanimous upon it, to carry up the address to the throne as the sense of that House, upon the want of an Administration, and not as the measure of any one party or set of men whatever. If any of the particular words of it were deemed objectionable, he said, he could answer for his honourable friend who moved it, that they should be given up or altered, as the House should think proper; but at any rate he hoped it would pass.

Governor
Johnstone.

Governor *Johnstone* said, he agreed with the honourable gentleman who had, with so much truth and energy, depicted the melancholy situation of affairs; and he confessed the great necessity of an Administration capable of reviving the consequence and dignity of this country. He also admitted, that it was unparliamentary to use the name of his Majesty in debate, within those walls, and yet, he said, he scarcely knew how it was possible, in the course of such a discussion as the question called for, well to avoid it. But if such a delicacy was due in that respect, he thought it no less so in another. If the name of the person of royalty was not to be mentioned, he thought strong charges and imputations against men of great weight and ability in the state, ought not to be
loosely

loosely and darkly thrown out, and that upon mere assertion, unsupported by proof. If he conceived the right honourable gentleman near him rightly, in respect to what he had said about a certain noble Lord, (a member of the other House); he alluded to a learned Lord, [Lord Chancellor Thurlow] once the right honourable gentleman's friend, and on whom he had heard him pronounce the loudest eulogiums, and declare he was the single exception in the Administration of the noble Lord in the blue ribband, who ought to hold his place when that Administration was compelled to resign. For that noble Lord, he himself had long entertained the highest respect, and the warmest friendship. He considered him as a real pillar of the state, to whom this country might look up with confidence, as a protector of its constitution against those mad projects of reform, which threatened its annihilation. The noble Lord's shining talents, his firmness of mind, and above all, his incorruptible integrity, entitled him to be considered as one of the great pillars of the state, and therefore dark insinuations against such a character ought not to be listened to. His maxim, the Governor said, had ever been to name the person liable to accusation, and to support the charge with proof. In justice and in fairness, that maxim ought to be adhered to in the present instance. If the noble and learned Lord had acted in the manner insinuated, and had been the cause of keeping this country so long without an Administration, either by giving ill advice to his Majesty, or by any other means, the noble and learned Lord was a great criminal, and he would withdraw his friendship from him, because he would give his friendship to no man who could be guilty of so much baseness. But before he withdrew his friendship he expected to have the fact proved, and would not consent to presume its verity from loose surmise.

With regard to what had been said about forgetting past animosities, the Governor declared he highly approved of the idea. No country could exist for a long time, or be governed with any success if animosities and prejudices were to live for ever; but it was not so easy to convince the people at large of the force of the reasoning which proved a coalition necessary. The present moment undoubtedly called for unanimity, and that an Administration should be formed on the broadest possible basis. He wished therefore to see a coalition of the three great parties take place, and men of the first abilities of every description be included in Administration.

Such a coalition would give an arrangement equal to the government of the country at this critical moment, and to which the whole people would be led to look up with satisfaction and confidence. The honourable gentleman had said, he would coalesce with the ex-ministry, and take some of them into his arrangement. Would he take a principal in Administration from that set? Let the honourable gentleman answer that question in the affirmative, and he would own, that was a proof of a sincere desire to form a real coalition; but to admit one or two of the ex-ministry into subordinate offices, did not by any means come up to his idea of a general coalition of parties.

With respect to the prerogative of the Crown in the choice of Ministers, that matter, in his opinion, depended upon an equal balance; the King ought not to be altogether deprived of having some choice, neither ought he to consult his private feelings only. The public weal was the object that ought to operate solely in the appointment of Ministers, and public considerations should alone guide the royal choice. The case on the one hand was widely different from that of a private individual choosing and appointing his own personal servants, and on the other, the royal will ought not to be so far cramped, checked, and controuled, that his Majesty should be rendered a mere king of straw, — a king of nothing. Having argued this point, the Governor said, his only objection to the motion was, that it did not go far enough. He thought his Majesty ought not only to be addressed to form an Administration, but that means should be taken to find out to what cause it had been owing, that the country had been kept so long without any. The Governor in the course of his speech said, the noble Lord in the blue ribband, till within these six weeks, had as much of the confidence of the people as any man in the kingdom. His character became more and more understood and respected, and he was daily getting stronger and stronger in the public opinion; but this coalition had undoubtedly affected him in the opinion of many of his friends.

Mr. Fox.

Mr. Fox, in explanation said, he had still as high personal respect and friendship for the noble and learned Lord alluded to by the honourable gentleman as ever; he had merely spoken of his public conduct, which he believed had been most calamitous in its effect to the country. He acknowledged his great abilities, but contended, that they rendered their possessor more an object to be dreaded, as the degree of mischief he:

he could do his country became extensive in proportion to the extensiveness of his talents.

Governor *Johnstone* rose again, and said, he had alluded solely to the honourable gentleman's professions of public friendship for the learned Lord; indeed, to have hinted at his private friendship in that or any other instance, would have been equally impertinent and improper. Governor Johnstone.

Mr. *Jenkinson*, in reply to the insinuation of Mr. Fox, concerning the evil advisers of his Majesty, and the secret influence behind the throne, considered himself as alluded to by the honourable gentleman, and therefore stood up to refute the charge in every, and in the fullest sense of its unwarrantable meaning. He said that the prerogative of the Crown was not so limited as to proscribe any Privy Counsellor the presence of his sovereign, or to take from that sovereign the advice of a Privy Counsellor. — As to secret influence, he denied such ever to have existed in him, but he thought that when his Majesty was graciously pleased to send to him and command his attendance, he was bound in duty and respect to obey the summons. He owned that in the course of the last five weeks he had been with his Majesty more than once: he declared that he never did go, except on official business, and when he was sent for; and that he never did use any secret influence, or gave any advice whatsoever, which was not warranted by the strongest principles of national justice. The idea started by the honourable gentleman was a popular trap for the multitude; it only existed in imagination, and was brought forward for some political purpose, to which the House were probably at this day no strangers. He wished that his conduct, in and out of the closet, could with propriety be opened literally and minutely to the House, and to the public. He would stand the test of enquiry, and gladly enter on the business. He appealed to the noble Lord in the blue ribband, with whom he long had the honour of serving, whether what he now advanced was truth or falsehood, and whether during the ten years they had served together in office, that secret influence so insidiously hinted at ever had existence. He not only appealed to, but he called on the noble Lord to declare it, and such confidence had he in his innate principles of honour, that by his determination he submitted to abide. As to what fell from the honourable gentleman respecting another instrument of secret influence, so far as it met his belief or came within his knowledge, he declared that the learned Lord alluded to had not interfered for the last ten days, and that the matter
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of arrangement entirely rested with a noble Duke and his friends. There indeed some influence might have existed, by which the arrangement might have been retarded, a secret influence among the contending powers; something with which the honourable gentleman was perhaps acquainted — perhaps not. He wished, however, that those who charged him with undue influence could, on a late transaction, lay their hands on their hearts, and clear themselves as completely from the foul suspicion as he had it in his power to do. The address moved for did not meet his assent: he considered it as a very great infringement on the prerogative of the Crown, and as a dangerous precedent, unwarranted by any thing similar in the annals of this country. The principal danger lay, not in what now was done, but what in future might be done on the same plan. One innovation leads to a second, a second to a third, and so on, step by step, until the King was made a cypher, a king of straw. There were in the page of history some events that should be a warning how sacred the constitutional rights of the Crown ought to be held, and how requisite and necessary it was to preserve the political equilibrium between the three estates. It was urged as an argument in favour of the motion, that there was no precedent for this country being so long without an Administration, and that the present ministerial interregnum would be the ruin of the kingdom. These premises he denied, and of course could not agree in the conclusion. There was a time when this country was three months without an Administration. It was in the year 1757. Then there was no First Lord of the Treasury, no Chancellor of the Exchequer, and the Seals were in possession of the Justices of the Court of King's Bench; yet the interregnum did not ruin the kingdom, although England was then engaged in a very expensive and bloody war. Upon the whole, the motion appeared to him improper; and if it was a matter of contention, should not have his concurrence.

Mr. Macdonald.

Mr. Macdonald had not any objection to a motion which grounded an address to the throne for a redress of grievances, and in that light the want of an Administration was most undoubtedly to be considered. But the words in which that address was to be conveyed, and the manner in which it infringed on the prerogative of the Crown, were matters of very serious consideration indeed. He therefore wished to hear what could be said in support of a motion which not only had a tendency to narrow the royal prerogative, but certainly conveyed a very severe censure on somebody. There

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was in it something that wanted explanation, openness, and candour, before it went to the throne, supposing that the idea of such an unprecedented address met the wishes of the House. When any thing respecting the Sovereign came into debate, it was his maxim to treat it with the highest respect, and therefore to avoid whatever might have a contrary tendency, his intention was to move the order of the day. The reasons, however, which, in his judgment, warranted him to oppose the principles of the motion, were founded on facts, the authenticity of which he had as yet no reason to doubt. A coalition was lately formed, of such a nature, as astonished the world; it was a coalition of such opposite principles, of such contrary opinions, and of such avowed political enemies, that it created the astonishment of all ranks. The public wondered at it in one body; individually they differed; some few, and few indeed they were, approved the junction, many thought it improper, and all detested it. As to what fell from the honourable gentleman in respect to a high law Lord, [the Chancellor] if there was any secret influence in that quarter, if there was any improper, any unjust, any unwarrantable conduct in that noble Lord, why not bring the charge openly forward, why not make the complaint explicitly, and if there be guilt, punish the delinquent? It was in the power of Parliament so to do, whenever the matter of guilt could be substantiated. But thus to attack a man's character by innuendo, to make him a political culprit for political purposes, without evidencing the crime, was a species of parliamentary privilege that ought to be reprobated by every honest man. This maxim of the new coalition, to run down every man whose principles were not as pliable and as versatile as their own, was a doctrine novel in the constitution of true patriots, although it was the adopted system of that party who were to save this country, under the appellation of whigs. Whigs, he believed, was the favourite name by which they wished to receive their new baptism, through the promises made for them by the godfathers of this remarkable coalition. He observed, that it was true the noble person alluded to did not stand in need of such defence as he could afford, nor was he to be injured by hints thrown out against him by the right honourable gentleman. *An tu es qui cum illo comparas?* — That the first effects of a coalition, were to be a junction incasting reflections on that great character, he should not be very greatly surprised. He trusted the noble Lord in the blue

ribband would avow whether he concurred in thinking that the noble Lord alluded to had given a sullen advice, advice of procrastination, or advice deliberately destructive to the Crown. If these were the first fruits of the coalition, it would plainly shew its origin and intention in their true colours. It does not deserve, said he, the respectable name of coalition; it is a perversion of words. On a former occasion it was mentioned by a right honourable gentleman [Mr. Pitt] when this new connubial state was formed, that to him it appeared so ill calculated to answer the purposes of matrimonial happiness, that he forbid the banns. Matrimony, in politics, he conceived to be nearly allied to matrimony in human life; it ought to be founded in affection, supported by a similarity of ideas, entered into for the real happiness, comfort, and satisfaction of both parties, and connected as well by their mutual sentiment as by their reciprocal feeling. The coalition alluded to could not, in his opinion, answer those purposes, as the parties were opposite. They had, on every material question, differed in sentiment, in opinion, and in every essential point that was requisite to form a lasting and permanent system of Administration. For these reasons, and surely they were reasons founded in truth, there could not be any constitutional good expected from an Administration formed on such principles. Interests that jarred in sentiment, however they might, for a moment, tune in unison, yet could never make harmony for any length of time. Coalition implies some equality of power, and the means of enforcing the fundamental principles on which the parties had acted. But what was that equality of power to have been? The noble Lord in the cabinet, and perhaps another friend now to be styled whigs, and a few places of mere profit to a few other friends. One of two things must be the case, that the noble Lord's principles and those of his new allies being diametrically opposite, the one or the other must have yielded. Could it be believed that those whose power was to exceed his, as ten to one upon the whole, and at least two to one in the cabinet, would surrender their principles? What was a man to think who had supported him for years under every mortifying abuse as one of a venal and corrupt majority, and who would do so again, if the same contest were again to be fought over, when the honour and interest of the nation were at stake, finding that the noble Lord had knocked under (as the vulgar but expressive phrase was) to those whose principles

principles of government he thought ruinous to the nation ? They must conclude themselves and those principles deserted, when they found that the noble Lord was not to have a tythe of the power and influence in council necessary to support those principles.

The noble Lord would find, that opposition to the principles of his new friends was as strong a motive of action with his majority as attachment to himself, which was also certainly a strong motive from the integrity of the noble Lord's intentions ; it appeared, however, that they were now considered as passing by delivery from hand to hand, like bills of exchange.

He wished, he said, to call back the remembrance of the ministerial negotiators to the delay of forming an Administration, and to ask them seriously the occasion of that delay, and to what was owing the non-formation of a Ministry ? It was not, certainly, to any delay on the part of those whose principles were opposite to the honourable parties alluded to. He apprehended that there was among the noble Duke's friends a division about power, and that because there appeared a majority on one side that might outweigh the interest of the other, it followed that this amicable coalition could not coalesce. He appealed to the honourable gentleman, and to the noble Lord in the blue ribband, if this was not the fact ; and if their divisions and their disputes were not the cause of this country being, at present, without an Administration. The noble Lord in the blue ribband was to have only a tythe of the power ; and therefore, in such an Administration, he must consider his abilities, his inclination, and his principles lost. He admired the conduct, the perseverance, and the honourable motives that marked the Administration in which that noble Lord took the lead ; but as they now must be totally changed, or have lost their consequential weight ; this, among a variety of other reasons, made him look upon this unnatural connection in the light he did. He added, that the public, that all mankind, had the same opinion of it, and reprobated it as much without doors as he did within, and as he supposed would be the case with every man who gave himself time to consider the premises, and form an opinion of the conclusion. For years together, there had not been a particle of similarity in one of those respects, between the present parties to the supposed marriage. Was the noble Lord satisfied that the power of the Crown was too great ? A most important ground of dis-

ference! For his own part, he said, he cared not who knew his principles in politics. He had a right to form and to entertain them, and was bound to act up to them. He thought the democracy more to be feared than the regal power. If the first debate, he added, under the coalition, (which had no more title to that appellation than if hiring a clerk should be called coalescing with him) started in reflecting on the great and learned Lord, he would put it to those who disclaimed proscribing, whether the common opinion was true, that that noble Lord had been proscribed near a fortnight ago? Would they say that he could be supposed to volunteer with his advice after that, or had so done? He would not believe it. The question, however, was now serious, for the proposed address assumed — that blame lay somewhere. The right honourable gentleman had spoken out, and stated where that blame lay. The world would consider that exposition in a manner as part of the address, and it became necessary for the same gentleman to retract that assertion, or to give grounds amounting to a reasonable proof of it. The assertion was, that the learned Lord, from a sullen, dilatory, and hostile disposition to the public welfare, had advised the delay which had happened. He concluded with observing, that this address came near to trenching on the prerogative. That every passage of our history shewed, that forcing the Crown, uniformly ended in its power recoiling very strongly on the subject sooner or later. That evident and clear advantage ought to be seen in every proceeding tending that way. It was not enough that it may do no harm, or may do some good; and as the new-invented arrangement had been announced by the mover, as at an end so recently as yesterday evening or this morning, it might be reasonable to pause, and to call for the order of the day, so as to leave it depending, if that should be agreeable to the House.

Mr. Fox.

Mr. Fox, in reply to Mr. Macdonald, took a comprehensive view of the coalition, and reprobated, in the strongest terms, every insinuation and charge made by the honourable gentleman. He said, his very severe attack on the noble Lord in the blue ribband need not give his Lordship any pain; for as it was early in the debate, it was probable, and there was a precedent for it, that the honourable gentleman before the rising of the House would get up and make an apology for what he had said, or at any rate it might be expected by the next day at farthest. He denied that the delays of forming a ministry were at the doors of the Duke
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of Portland and his friends; they lay elsewhere. It was, without question, the Lord Chancellor that he meant as the secret adviser of the Crown, and the cause of the delay in the choice of an administration. He avowed the charge, he wished not to conceal his opinion or his sentiments, and he openly averred, that to the noble Lord he looked for the influence which at present directed the Sovereign. — His reasons for so doing were these; that as there was not any first Lord of the Treasury, any ostensible Minister to be answerable, the Chancellor, of course, was the person to be considered as the only official man from whom his Majesty could receive advice; and therefore he alluded to that learned Lord. That there was influence, that there was secret council, he believed no man doubted. The coalition alluded to by the learned gentleman had, it seemed, met disapprobation, because old enemies had become new friends; because those who differed on former points had, in present matters, come to an agreement. Was this so extraordinary an affair? Was reconciliation such an improper, such an unprecedented, such an unparliamentary maxim? Surely not! The empire was thrown into convulsions; the state was without an helm, and the kingdom without a government. As to what the honourable gentlemen alledged in respect to the coalition occasioning the delay, he was misinformed; and as to what he said about the contention in that coalition for power, his information was not the fact. This he boldly advanced as a truth incontrovertible; because it was founded in that which could not be controverted. The coalition alluded to by the gentleman was founded on a principle to which every honest man in the kingdom must agree. It was founded on a principle that went to reconcile old animosities, and to form an administration upon a permanent, sound, and constitutional foundation. Such was the administration that this country wanted, and such only was the administration that could relieve it from its present difficulties. Much had been said about old enemies re-uniting. He took the liberty again to mention the circumstance, and he demanded if that was improper or impolitic. Political differences, and the diversified interests of party, had brought this kingdom to its present unhappy situation. And as by the recent and former examples of a want of coalescence, there were evident proofs the empire could only be happy in the unanimity of Parliament; so it followed, that coalitions to effect that unanimity were constitutionally proper. When the House looked at the
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business upon the table, when they considered the situation of affairs at home, and the situation of affairs abroad, and when they looked to the probable and certain consequences, it must be natural to conclude, that nothing could save this country from ruin, but a vigorous, virtuous, and steady administration. Something had been said by the honourable gentleman, (Mr. M'Donald) that alluded to a venal tribe, as always applied to those who had supported the administration of the noble Lord in the blue ribband. He wished to know whether by that description the honourable gentleman meant those who changed their opinion, those who left him, because, as they themselves contended, he had not so great a power as formerly of providing for his friends, or those who still adhered to him without the prospect of reward, and had not joined others who were likely to pay better. If he meant the former, then the honourable gentleman spoke from conviction. As to what had been said respecting a majority of interest, he denied any such idea. There was indeed, as already observed, some slight difference in respect to the coalition, but out of the five weeks negotiation, that only took up ten hours, and was then finally adjusted and conclusively settled. The charge, therefore, in that respect, was groundless. He begged pardon for again repeating this matter to the House, but as it was urged in a strong manner against a noble Duke, he thought he could not too much impress the subject on the attention of the House.

In answer to the learned gentleman's comparison of the noble Lord to a clerk hired into the service of the Whigs, he said, the learned Lord on the woolstack had been exactly such a clerk to both the Administrations he had taken a share in, and he appealed to the learned gentleman, whether his friend the learned Lord upon the woolstack would condescend to consider himself as a mere clerk, or thank him for the comparison.

The motion before the House, therefore, became a matter absolutely requisite to be adopted. The people demanded it, and the kingdom wanted it; therefore it should have his concurrence. The honourable gentleman said he meant the motion for the address, and not the motion moved for the previous question.

He took notice of what had fallen from Mr. Jenkinson respecting his giving the King his advice; he admitted, that being a Privy Counsellor, he had a right so to do, but what he found fault with was, he declared, not that the honourable gentleman gave his Majesty his advice, but that he gave it

it him in secret. There lay the rub; let it be public, let it be in the face of the council, that the honourable gentleman was his Majesty's adviser, and there would be no harm in the business, nor any thing suspicious in it; as the matter stood, the case was widely different,

There was another matter occurred to him, which he begged leave to mention, it was concerning the political interregnum mentioned by the right honourable gentleman (Mr. Jenkinson.) He said, he recollected the circumstance alluded to, but that there was a mistaking in what the right honourable gentleman said; for in the year 1757, the Duke of Devonshire was then at the head of the Treasury, and Mr. Legge — (here Lord John Cavendish nodded to Mr. Fox, and wished to set him right) — Mr. Fox proceeded, and said, that although that might be the case, even supposing what the right honourable gentleman had said to be strictly correct, yet it contained no reason why, in this day's emergency, we should copy from past times, and argue on the necessity of a present evil from the existence of a former misfortune.

Sir C. Turner said, he must trouble the House with a few words, as his opinion had been required from persons in Ireland, America, and almost every part of England; he would therefore freely give it. He was of opinion that the noble Lord in the blue ribband had been one of the great supporters of the American war, which was the cause of all our misfortunes. That cursed war, he said, had ruined this kingdom, and had deprived him of 2000l. per annum, therefore he had a just right to reprobate it. Another cause of our misfortunes was owing to the authors not being impeached; if they had been impeached, which it was the duty of that House to have done, it would have deterred others from treading in the same steps; but now they saw plainly that delinquency was the high road to preferment, and if any leading man in the House would sell his conscience, he would insure him a peerage. To commit political crimes, was the sure road to titles, pensions, and ribbands. He wished the noble Lord had been only rewarded with ribbands, it would not have cost the country so much. He had at one time hoped the noble Lord would have been punished by expulsion, and that he would have been sent up to the other House, to sit along with a noble Earl, a principal instrument in carrying on the American war, where they might both have held a conversation on the subject together. The coalition so much talked of, he said, had astonished the whole

whole nation, and no person more than himself; he was sorry to see it, as his worthy friend Charles, who was his leader, and to whose back he thought himself tied, as one of his pecus, to be led wherever he drove, [here the honourable member turned round to look for Mr. Fox, who had sat behind him; but who during his speech had come and sat on the same bench with him, which caused a laugh] had materially hurt himself with such a coalition; he had forfeited much of his popularity, for the noble Lord, with whom he had coalesced, ought to have been expelled that House. The noble Lord, he said, undoubtedly in his private life bore the best of characters, indeed his whole family were amiable; but in public life, in politics, he had been unfortunate, therefore he was certain his right honourable friend in making the coalition had done wrong; but he made no doubt he would bring himself cleanly through, for his heart was honest and good, but in the present instance his head had done the mischief.

He would tell the House, he said, his opinion of marriages; they were sometimes made for the sake of interest and power, and he made no doubt the learned gentleman (Mr. M'Donald) would agree with him. On the whole, he said, he reprobated the coalition; he wished it might turn out well; he made no doubt it was well intended, but he was fearful it would not answer the end.

Lord North. Lord North said, it was not his intention to have troubled the House with any observation of his, but he felt himself so materially called on, that in fact it would be unpardonable to sit still. The learned gentleman (Mr. M'Donald) had made use of a strange assertion, he had said that some approved of the coalition, many reprobated it, and all detested it; how he could reconcile to himself such strange contradictions he was at a loss to know; but as the honourable gentleman had allowed that some approved of the coalition, he would in defence of it say a few words: The coalition had been formed with the most fair and honourable views: it was not, as had been insinuated, by either party giving up their principles; he had not given up his, nor did he require that those with whom he had coalesced should give up theirs. He maintained, he said, the same opinions still respecting the prerogative of the crown, and by no means thought it too great. The strange vote which the House had come to, "That the influence of the crown had increased, was still increasing, and ought to be diminished," was seen to be erroneous,

erroneous, he trusted by almost every person, and certainly he was against it when made, and continued still of the same opinion. His Lordship said farther, that he was sorry to see the little consequence of a coalition founded on a sincere wish to form a broad, permanent, and firm administration come so soon across the minds of gentlemen, and that instead of considering whether by consenting to forget former animosities, and to sacrifice prejudices of some years standing, such a coalition might not take place as would enable the country to derive advantage from it, fears should be entertained and avowed, least one of the leaders of that coalition should not have a power of distributing a sufficiently large share of the loaves and fishes (as they were vulgarly called) among his former friends and adherents. When he had brought himself to consent to the coalition that had been so much talked of, was it fit for him to be stickling for power, or jealous of other mens having more than himself? His object was far different. It was to put an end to that discord that had so long torn and distracted the country, to lay asleep that spirit of dissention, and division that had but too fatally marked its progress, and in its stead to restore unanimity, to to give us peace at home, and to bring once more within our view the domestic happiness and foreign greatness of this now exhausted country. The worthy Baronet had said he deserved to be expelled, on account of the American war; that would have been a cruel sentence, for however the war had turned out, he had entered upon it with a good intent. He was convinced then of the justness of the measure, and it would be cruel to try him by the event, as it had proved unfortunate. The situation of this country at the commencement of that war was such as to justify the measure, and to give a prospect of success; however, that point was now at an end, and however he and the friends with whom he had coalesced might differ on some particular points, he trusted they would be able to act together in such a manner as perfectly to agree in matters which respected the good of the empire; the persons who reprobated the coalition, he said, forgot that it was almost impossible for any persons in that House to agree together, who had not materially differed on many grand and important questions. The present administration, he said, (if there was any) was composed of persons who had materially differed in politics, and when the House considered that there was in the nation three great par-

ties at least, to form a coalition two of those parties must join; and although the coalition was so strongly reprobated, every person agreed, that an administration should be formed on as broad a basis as possible; perhaps they meant an administration composed of all the three parties; if that was their meaning, he had no objection to agreeing with them. Certainly the divided and distracted state of the empire called aloud for every person of abilities to stand forth; and he hoped, that whenever an arrangement did take place, it would be such as to answer the end proposed. He had been particularly called on, he said, by an honourable friend, (Mr. Jenkinson) to declare whether he ever, during his administration, found any secret influence lurking behind the throne that frustrated his intentions; he would freely confess that he never did; he had, while in administration, frequently received advice from that honourable gentleman; for which he was much obliged to him; but he never knew that he had given any secret advice to his Sovereign, that he would not, if there was occasion, publicly justify: he was also called upon, he said, respecting his opinion, whether the Lord Chancellor had not given such secret advice; he could not say that he knew of any such advice having been given; that learned Lord he had the honour to act with for many years; he always found him an able, honest and upright man, and believed him worthy of the office he filled.

With respect to the delay that had been given to an arrangement being formed, he could only say that it had not proceeded from any fault of his or of the noble Duke with whom he had coalesced; it was not owing to any disagreement between them, any quarrel for power, or, as he had already said, for a distribution of the loaves and fishes. With respect to the latter he had heard more about them, and seen more anxiety for them since he came into the House, than he had discovered during the whole of the negotiation alluded to.

The learned gentleman (Mr. M'Donald) had felt himself much hurt at the coalition that was formed, and had said, that he had given up his principles and deserted his friends; he wished to hear in what he had given up his principles, or which of his friends he had deserted; he knew of neither: he had, he said, during a long administration, received the honour of a numerous support from that House, and he trusted he still should be supported by them. He had not purchased them as the learned gentleman alluded to, nor did he

he consider them as a bill of exchange that he could indorse over to any party; he hoped those who had supported him acted from principle, and would still continue to do so. If there were any that acted from other motives, the learned gentleman knew it better than he did, consequently was better qualified to speak on the subject. When he was inclined to form a coalition for the purpose he had stated, would it have been wise or expedient to stickle for particular points of advantage—or for superiority of power either this way or that way? surely no man would say so.

The motion before the House was, in his opinion, a very proper one; for it was now five weeks since there was any fixed or ostensible Administration; and certainly the country never stood in greater need of a permanent one than they do at present. The time mentioned by his honourable friend, in the year 1757, he perfectly well remembered; that certainly was bad enough, but it was different from the present; the Duke of Devonshire then continued at the head of the Treasury, and Mr. Legge had only withdrawn himself; the supplies undoubtedly went on; the ways and means were formed, and business did not stand still. Almost a similar affair happened last year: on the 27th of February, 1782, he looked upon it that his Administration received a mortal stab by the vote respecting the American war; it was sufficient warning to him of the danger of the disorder; the Administration lingered for some time, during which they moved their supplies, and opened their budget; but every physician, who knew any thing of the political constitution of this country, saw the desperate state in which the patient was then lying on its death-bed; and on the 27th of March they were verified in their opinion, for then it totally expired. The present Administration, he said, had received sufficient warning of their fate, and it was high time that another had been formed.

Mr. *Chancellor Pitt* did not think that the present motion was any breach of the constitutional prerogative of the Crown, or that it had any affinity to what seemed to be the opinion of some gentlemen in respect to a parliamentary right of the commons to interfere in a matter where the well being of the empire consisted in the formation of a Ministry. He had however to observe to the House, that it was a matter which required their consideration, whether the motion now before them would have the effect to which it seemingly tend-

Mr. Chan-
cellor Pitt.

ed. For his part, he said, he did not see how the address could remove the difficulties that stood in the way of forming an Administration, supposing that address unanimously carried. It only went to request, that his Majesty would form an Administration that might have the confidence of the people. He wished in that case, to know who were to be the judges of the particular men who had the confidence of the people, and how that matter was to be decided. At present there did not appear any criterion by which such an opinion could be formed. His Majesty was desired to appoint an Administration, which by his royal authority he was already vested with power to do. He wished the noble Lord in the blue ribband, and his honourable and new ally to declare upon their honour, as men, whether in their consciences they believed that the address moved for, if carried, would accelerate the business, or reconcile the militating opinions of party. He allowed that the empire without a government, without a Ministry, was a matter of public misfortune. The present situation of the kingdom was the absence of all the functions of government, and the affairs of the nation were thrown into a distracted state. But he demanded whether the address moved for had any real intentional tendency to relieve the state, and whether it was not calculated for other purposes. Some people, he said, could reconcile it to their minds to part with their old principles, and adopt new ideas; however such sentiments might agree with tried constitutions, and long practical habits, he was yet too young to change his opinion, and conform his ideas to the tide of interest, or the prevalence of party. He had formed one opinion, one great principle by which his conduct was to be regulated; and it had in his heart taken such deep root, that he could not erase it. Gentlemen talked of forgiving animosities, and altering their political opinions with as much ease as they could change their gloves; that what they reprobated to day, they were justified in applauding to-morrow; and those whom they hated, distressed, and hooted at in the morning, it was honourable, patriotic, and conscientious they should take to their bosom in the evening. This was a maxim as yet a stranger to his heart. He could not coalesce with those whose principles he knew to be diametrically opposite to his; because, if they changed to his opinion, he could not depend upon them, and if he changed to theirs, he must be conscious he acted against his honest judgment. Parties formed on
such

such a basis could never long continue. There might be a seeming coalition of sentiment with the coalition of interest; but men who had come to the years of discretion, and who well knew how such political marriages were made, would pay very little respect to the oath by which they were bound, whenever they found it their interest to depart from it. A similarity of ideas, he said, was requisite to make friendship permanent, and without that similarity, there could not be either public or private coalition that would last.

He therefore thought it necessary to declare explicitly, that he could not bring himself to adopt the same mode of reasoning as was held in justification of the grand coalition, and that his principles were such as were not adapted to times like the present. Mr. Pitt after this declaration, that he would not join the coalition, asked with an air of great earnestness, if contrary to what he had heard, and contrary to what he believed was the general opinion, he was to understand that the noble Lord in the blue ribband, and the honourable gentleman, solemnly pledged themselves to the assertion that an arrangement of administration had not been delayed above ten hours, or some very short space of time, in consequence of the difficulties, that had arisen between the noble Lord and the noble Duke, respecting the disposition of their arrangement, and that the noble Lord and the honourable gentlemen also pledged themselves that the whole of that arrangement had been made known wherever it ought to have been communicated?

The noble Lord in the blue ribband had mentioned that he and his honourable friend (Mr. Fox) were perfectly agreed; and yet the noble Lord publicly avowed that he should hold firm to former political sentiments, and that he should oppose the Reform bill. Was this a coalition likely to exhibit a similarity of sentiment for the public good, where in the most essential point of interest for the people the noble Lord and most of his new friends materially differed? There was another point that he wished the House to consider; it was to wait another day before they sent up their address, as it was probable an arrangement would then be formed. He thought this might be asked and granted now with as great a degree of propriety as it was on a former day; and he said, that he had some reason to imagine an Administration would be formed, if not in one, at least, in two or three days. If gentlemen, however, differed with him in that opinion, he had no more objection to the motion than he had to see an honourable, honest,

ness, and permanent Ministry formed. It was what he wished, for the welfare of the people, and for the peace and prosperity of the kingdom.

Lord North. Lord *North* said, he begged to be perfectly understood with respect to the negotiation for an arrangement. The delay, he declared on his honour, had not been on account of any quarrel or disagreement between the Duke of Portland and him: there had not been, since the coalition first took place, any material difference between them; each party undoubtedly had delivered their sentiments; and although they might not in every particular correspond, the difference had been such, as by no means to prevent an arrangement from taking place; it was unnatural to suppose they could quarrel about the distribution of power, before they had power to distribute.

Mr. Fox. Mr. *Fox* said, as both the noble Lord and himself had been so publicly called on to declare whether the delay did not arise from their own quarrels, he thought himself bound again to make the declaration; and he hoped it would be perfectly attended to, and seriously remembered, that he there declared, on his honour, that out of the whole five weeks, the negotiation had not been retarded more than twenty-four hours by any difference that had arisen between the Duke of Portland and Lord North: the difficulty that first prevented the arrangement from taking place, and which was the only bar to its being settled, had never, to his knowledge, yet been removed, at least he never had learned that it had from authority; therefore, until that obstacle was removed, the negotiation was totally at an end; Mr. *Fox* said farther, that the proposed arrangement had been communicated where it ought to be so. The right honourable gentleman had said delay the motion for two or three days, and then if nothing is done make your motion; he could not suppose the House would adopt that doctrine, for surely five weeks had been sufficient time to settle an administration in; if the present motion was delayed at the expiration of three days, some other idle story might be propagated, and the House be desired to give two three days longer, by which means the business, the great and important business before the House, would be delayed to the ruin, perhaps, of the state.

Lord John Cavendish. Lord *John Cavendish* adverted to the state of the country in 1757, more accurately than it had been laid down by the other

other Speakers. The present delay of an arrangement, he pledged his honour, did not proceed from any difficulties raised, or disputes between the two noble persons who formed the leading parts of the late coalition; the delay proceeded from some dark hidden influence; but who was the cause of it God only knew; for his part, he knew not positively whom to blame, therefore he would not mention his suspicions; whoever the person was, God forgive him; the crime he was guilty of was of the blackest dye, and such as materially injured this country.

Sir *Joseph Mawbey* spoke against the coalition, but the House was exceedingly clamorous for the question, and we could not hear what the honourable Baronet said. Sir Joseph Mawbey.

The Earl of *Surrey* said, when he seconded the motion, he did not do it as a friend or an enemy to the late coalition; he neither praised it or disapproved of it, but he did it as his duty, confident that if some administration was not fixed, the people would not merely assemble to have a more equal representation, but would assemble in all parts of the kingdom, and insist on knowing where the blame lay, that no administration could be fixed on, whose wisdom could relieve their distresses. The Earl of Surrey.

The question was then loudly called for, upon which the Speaker informed the House, that the order of the day being moved, the question was put for the order of the day, and over-ruled. The original question was then put and carried with about four dissentient voices.

March 25.

No debate.

March 27.

Lord *Ludlow* acquainted the House, that his Majesty had been waited on with their address of Monday last, for forming a new Ministry, which he received very graciously, and was pleased to return for answer "That it was his earnest desire to do every thing in his power to comply with the wishes expressed by his faithful Commons." Ld. Ludlow

The Earl of *Surrey* rose as soon as Lord Ludlow had finished, and after expressing a wish that the message might be entered on the journals, and printed in the votes, said, he had full confidence in the gracious intention of his Majesty, and felt no small share of comfort from having heard to sacred a pledge of assurance, that a matter, which not The Earl of Surrey.

only that House but the whole kingdom was anxious about, would speedily be settled. In case, however, the address of that House should fail of its desired effect, and no arrangement of administration, notwithstanding the royal message, should soon be made, he desired to be understood as giving notice, that he would on Monday next move for an enquiry into the causes that had so long prevented an arrangement's taking place.

Ld. North. Lord *North* said, his Majesty's message was so full of grace and goodness, that he thought it ought to be received with the utmost satisfaction and gratitude by the House. With regard to the notice given by the noble Earl, he declared, he wished not to have heard a syllable that indicated the most distant degree of jealousy in the House, as to the sincerity of the royal intention; he trusted, that there would be no occasion to bring forward any such motion as that the noble Earl had hinted at, but that the matter which the whole country wished for, would be concluded before Monday; at least, after they had been given to expect it from so high an authority, he thought it did not become the House to express the least doubt of its due performance.

Mr. Pitt. As soon as the *Chancellor of the Exchequer* came into the House, he moved the order of the day to proceed on the farther consideration of the report of the American trade bill. The order being read, the Chancellor said, the American merchants of the city of London had called a meeting upon the subject, and had since applied to him, desiring a little more time to digest their ideas, and make up their minds upon the business. In order, therefore, to give those who were so deeply interested in the effect of the bill, the opportunity of maturing their opinions upon it, he would, with the leave of the House, move to put the farther consideration of the report off till Friday.

The motion was put and agreed to, and the House immediately adjourned.

March 28.

Mr. Ord. Mr. *Ord* brought up a report from the committee of supply, for providing for the militia. The report having been read once, the clerk was proceeding to read it a second time, when Mr. George Onslow asked the Secretary at War what was the reason that the militia agents had not paid

paid in the balances in their hands, in conformity to the rules and orders established by those gentlemen who preceded the right honourable member in the War-office.

The *Secretary at War* informed the House, that as soon as it had been resolved to disembody the militia, circular letters had been sent to the different agents, to be ready to pay in their balances: the answers to these letters were, that the agents would make up their accounts with all possible dispatch, and be prepared without the least unnecessary delay, to pay in their balances. The report was read, and agreed to without any farther consideration.

The House resolved itself into a committee on Mr. Williams's divorce bill.—A conversation took place on the subject of the clause, inserted in the Upper House, on the motion of Lord Ashburton, the purport of which was, that the children born after the separation of the husband and wife should not be entitled to any share of the husband's property, unless the said children should be able to prove their legitimacy.

Mr. Fox arraigned this clause as an act of injustice to the children, inasmuch as it robbed them of their claim to a provision from Mr. Williams, without so much as hearing them; and then condemned them for not asserting a claim and making out a title which their friendless and deserted infancy disqualified them from doing. He was ready to admit that there was an appearance of hardship on Mr. Williams; but it must be remembered, that though the adultery of his wife was clearly established, it by no means followed, that the illegitimacy of the children was in any degree proved; nay, it was by no means the subject matter of the bill, the object of which was, simply to release Mr. Williams and his wife *à vinculo matrimonii*: the parties applied to the legislature for that relief which the law could not give:—the law could pronounce on matters of fact, and determine questions of illegitimacy, &c. — but it could not dissolve the *vinculum matrimonii*: — It was therefore necessary that the legislature should interfere to supply the defect of law, and dissolve the marriage: but there was no want of power in the law to determine questions about legitimacy; and therefore what ground could there be for calling upon Parliament to bastardize children whom the law was fully competent to declare illegitimate, on proper evidence. He did not mean to add to the misfortunes of Mr. Williams; and therefore he would not object to the introduction of a bill, which

should perpetuate the evidence on which that gentleman supposed the illegitimacy of the children might be proved; such a bill would guard against the injury he might otherwise sustain by the death of any of the witnesses, before the children should arrive at full age. In the bill there were three parties concerned, Mr. Williams, his wife, and the children. The two first were only before the House, and therefore, though he was ready to give sentence, as far as that sentence could affect them, he was by no means prepared to say that the children were bastards. He held it to be an inherent and indispensable principle of justice, that no persons whatever should be deemed guilty of an offence, by any judgment of authority, whether pronounced by Parliament, or by any other court, without having been heard in their defence, and without having been afforded an opportunity of combating the evidence adduced against them, in the manner that evidence usually was combated on trials where the parties accused had an opportunity of being in court and making their defence. In order to render his meaning more obvious, he would suppose, that he was criminally indicted and tried for murder, (the blackest of all others in the calendar of crimes) and that the indictment stated, and the evidence adduced, proved in the most satisfactory manner, that he, as B. was aiding and abetting A. in the crime alledged, that he was present at the murder, that he put the pistol or weapon with which the fact was perpetrated into A's hand; that he held the person murdered while A. killed him; and that he was tried for the fact, condemned and executed. In this case, as far as the transaction affected him, the whole was consonant with the strictest justice; his execution, no man could say, had been unfair, nor could there be a single argument raised to question the equity of any part of the proceeding. But would any man say, that therefore A. stood condemned. Would it be maintained for a moment even, that because A. had been incidentally tried when B. was tried, that therefore A. ought, without farther proceeding, to be likewise executed? Undoubtedly not. A. would be entitled to a separate and distinct trial, in order that A. might hear his accusation, combat the evidence, and make his defence. If, then, in a criminal case this was necessary, how much more so ought it to be adhered to in a civil one? In a case of landed property, in the case of a family estate; and, in short, in such a case as that of persons upon whose proved legitimacy or ille-

illegitimacy, depended the validity of their claim to family honours, titles, and fortunes. This was exactly the case of the children to be bastardized by the clause then under consideration; it surely, therefore, behoved the justice of the House to take particular care, how they proceeded to give their sanction to a clause which deprived innocent infants of their estates, and declared them infamous, without having heard it proved that they were so. Mr. Fox said, he had ever been of opinion, that a collusion between a man and his wife to prove the adultery of the latter, after that adultery had been committed, ought not to be any bar to the passing of a divorce bill. He knew a very high law authority had held the reverse, and on that single ground had not only opposed several divorce bills, but in one case of flagrantcy had been able to reject the application for a divorce, and throw out the bill. This he thought a very great hardship on the injured husband, because he thought the facility of his producing evidence of the adultery of the wife, however obtained, no objection to his claim for relief: but the moment he had taken up that opinion, he found it necessary to take care to confine it merely to the husband and wife, and by no means to suffer it to extend itself to the children. And the reason of his feeling the necessity of this precaution, arose from considering how extremely hard it would be to suffer children to be bastardized, deprived of their birthright, and rendered infamous, merely because their father and mother had obtained a legal divorce. That divorce might have been (as he was ready to allow it should be) obtained by a collusion between the father and mother; and, therefore, a collusion come into by them, ought not to be a ground for bastardizing the children; or the divorce might have been obtained by perjured evidence, by false evidence, or by negligent evidence (which, where there was no party to combat it, as must be the case with helpless children, might have the full effect of the best possible evidence.) Upon all these reasons, he thought it unjust to say, in a bill of that nature, more than that the man deserved the relief he prayed for, and should have it. If the husband wished to bastardize the children, and was convinced they were spurious, let him resort to the courts below; they were open to him. Mr. Fox denied that the question of non-access had been clearly established, and for that reason also, he thought the House would go far beyond justice, if they declared the children bastards. He took notice of the

vulgar error that prevailed, that non-access could not be proved, unless it could be evinced that the husband or his wife were beyond seas while she bred or bore children. That error, he conceived, arose merely from the extreme difficulty of proving non-access otherwise. Mr. Fox, in the course of his speech, expressly declared, he had no motive whatever for taking the part he did in the business, but a wish that those who were not before the House, and could not defend themselves, might be done strict justice to. He concluded by moving, that the whole clause be rejected.

Mr. Burke.

Mr. Burke opposed the motion. He argued that the illegitimacy of the children was as clearly established as the adultery; and thence he inferred the propriety of bastardizing the offspring, in justice, to a much-injured husband, who would otherwise be subjected to great inconveniencies for twenty-one years; and perhaps have, afterwards, the additional mortification of finding it put out of his power, by the death of his witnesses, to prove the children illegitimate: he defended the clause in question, and said, it would not put the children in a worse situation than they would be without it; for being declared illegitimate, either by law or by a special act of Parliament, they must in either case, be deprived of any claim on Mr. Williams. He went farther, in order to shew what hardships that gentleman must suffer, if the clause should not pass. It was a maxim in law, *pater est quem nuptiæ demonstrant*; but he would not generally subscribe to that maxim: for when a woman lived in open adultery, and had children, the probability in reason was that they belonged to the adulterer, and not to the husband, even though the latter should occasionally have access to the wife. With this opinion, he must think that Mr. Williams ought to be pronounced by the bill not to be the father of children, whom no one in that committee believed to be his.

Mr. Burke went on to state the arbitrary nature of our law respecting parental authority, and the disposing of landed property, not dividing it equally among the children of a parent, but giving it to the eldest son. He entered into a curious but abstruse disquisition of the nature of our laws and customs with regard to husbands and wives, and their power over their children. He mentioned the municipal law respecting divorces, and stated that the Romans did not marry; nor understand the oeconomy of marriage for a long time; that they allowed of divorces, but the condition of them was, that the parties divorced were never to marry again,

again, but to be condemned to a perpetual celibacy. He reasoned upon this for some time, and said the bill was, as his honourable friend had stated, an appeal to them, partly of a legislative, and partly of a judicial nature. There were, however, he observed, more parties to be considered than the three mentioned by his honourable friend. It was not only the case of Mr. Williams, his wife, and children, but of the lady, whoever she might be, that Mr. Williams might hereafter marry. Would they, then, as his honourable friend advised, divorce Mr. Williams from his unfortunate marriage, and yet entail upon him for twenty-one years all the worst consequences of that marriage. Would they oblige him to take home to his parental arms the bastards of his most mortal enemy, to have them for twenty-one years under his eye, the monuments of his shame, the pledges of his disgrace! Let the committee think upon the cruelty, the injustice of such conduct! Let them feel for Mr. Williams, let them consider how he was to marry again under such circumstances! Mr. Burke put these appeals to the humanity of the House with great force and address, and contended, that the evidence which had proved the adultery of Mrs. Williams, and entitled Mr. Williams to a divorce *a vinculo matrimonii*, likewise proved the children bastards, and warranted the House to pronounce them such. Mr. Burke said, he feared his honourable friend had learned some of his stile of reasoning upon the present question, from what he had heard elsewhere. It was not in his honourable friend's nature to be niggard of relief, where a claim to relief was made out. He was not in the habit of reluctantly dealing out a piece of a remedy, and loading the boon, small as it was, with a weight of inconvenience and discomfiture equal almost to the weight of the original evil. Most of the difficulties started upon divorce bills, he said; he had generally observed, came from batchelors, men strangers to the nice feelings of husbands, and to the aggravating sensations of which the injured honour of married men felt the affliction. After reasoning upon this point for a considerable time with wonderful force, Mr. Burke shewed, that if the bastardizing clauses were struck out of such bills, it would nearly oblige the husbands to a state of celibacy all the remainder of their lives. He put the case, that a man at forty years of age obtained a divorce, and the wife had children in adultery: In that case, the man could not marry till he was sixty-one, by no means the best time for marrying,

rying, if future divorces were wished to be avoided! Having laughingly stated this, he put other cases, and at length concluded with declaring, that he saw no reason why he should scruple, as a legislator, to pronounce those children illegitimate, who had been proved to be such; and whom, from the evidence given in support of the bill, he knew to be bastards.

Mr. Fox.

Mr. Fox thought there was not another man in the kingdom who entertained such an opinion as that which his honourable friend had just laid down. He would not, therefore, combat it; but he would point out to his honourable friend the difference, the essential difference between the two points, leaving the children in possession of the rights they at present enjoy, by appearing, in the eye of law, the children of Mr. Williams, until they should be proved bastards, and maintaining and supporting those claims, provided they should be able to prove themselves legitimate: the difference in these two cases was, that in the former the *onus probandi* would rest upon those who asserted the illegitimacy; but in the latter, the *onus* would be unjustly thrown upon the children.

The Solicitor General and Mr. Mansfield said a few words; and the committee proceeded to divide on the question; but on telling over the numbers, it was found that there was not a sufficient number present to constitute a committee or a House, so that they were obliged to adjourn without any farther proceeding on the business.

March 28.

Mr. Pitt.

The order of the day for proceeding farther on the American intercourse-bill having been read,

Mr. Chancellor Pitt informed the House, that there had been several meetings of the merchants of London trading to America, who had come to various resolutions on the different clauses in the bill, which they had thought proper to communicate to his Majesty's Ministers: Their report was well worthy of the most serious consideration; but as he had not seen it till this day, he had not had time to consider it: In order, however, to have time to peruse the report, before any farther proceeding should be had on the bill, he would move that the farther consideration of it should be postponed till Monday. The motion passed without any conversation, and the House adjourned.

March 31.

The House was remarkably full, and about three o'clock the Speaker took the chair.

Mr. Ord reported that the committee of ways and means had come to a resolution that the change of the pay of the militia, and of the clothing of the serjeant and drummers of the militia in that part of Great Britain called England, for one year, beginning the 25th of March, 1783, be defrayed out of the monies arising by the land tax granted for the service of the year 1783.

“ Mr. Piggot and Mr. Drummond, two of the commissioners for examining the public accounts, produced a ninth report, which was ordered to lie on the table.”

MOTION FOR A MINISTRY.

About four o'clock Mr. William Pitt made his appearance, when the Earl of *Surrey* immediately addressed the House, and wished to know, from the right honourable gentleman who had just entered, if an administration had been formed, or if there was a near probability of such an event taking place; if such was the case, the noble Lord said the necessity that enforced his motion was superseded, and he should take pleasure in not being obliged to call the attention of the House to an object of so very great consideration.

Mr. *W. Pitt* said, he was to inform the noble Lord, and the House, that he was not competent to give official information of any thing that came within his knowledge of the forming an administration, as his royal master had, a little time before, on that day, been graciously pleased to accept his resignation of that employ which he had the honour of filling in his government. If the noble Lord, however, would accept of his personal knowledge, he would pledge himself it was the earnest desire of his gracious Sovereign to accede to the wishes and requisitions of his faithful Commons, and which he had so amply testified in his answer to their address. However, though he could not take upon himself to say that an administration was formed, or when an event which was so much to be wished for should take place, his firm reliance upon his Majesty's answer to the address firmly persuaded him that his Majesty was anxiously employed to effectuate a purpose which was so much the wish of his people, and his faithful Commons in particular.

The

The Earl of
Surrey.

The Earl of *Surrey* found himself the more peculiarly called upon to proceed with his motion, by what had fallen from the right honourable gentleman who spoke last. The resignation of that right honourable gentleman must strongly enforce the measure he had to propose, as it would have the most effectual operation of giving a Ministry to the country, in a situation when she required a wise and active one, more than at any other period of her history. No persons being responsible for the direction of public affairs for upwards of six weeks back, was sufficient in itself to convince the House of the propriety of its taking some active share in the present alarming situation of things; and the stronger was that propriety apparent, when instead of an administration being formed since the address was presented to his Majesty, those persons who were transacting the common *routine* of office-duty, were seceding and leaving the country totally without ostensible, responsible, or active Ministers. The noble Lord hoped it would be understood of him, that he was extremely nice in his opinions of the prerogative; and no man was more jealous than he of an unconstitutional interference with it. However, the present situation of things had induced him to adopt an opinion which that situation alone, he was free to allow, could warrant, and which he would endeavour to qualify in the best manner that his invention would permit. The noble Lord then painted, in an animated manner, the peculiar necessity there was for an administration at the present period. He stated that foreign courts would be jealous of holding an intercourse with us; that government stood engaged to pay one million and a half to the Bank of England on the 5th of April, and they were already got to the 31st of March, not only without a Minister at the head of the Treasury, but as they had that day just learnt, without having any thing like official responsibility for the care of the public money. So that there was no person to raise the loan, to discharge the debt, nor any to conduct it when raised. With regard to the army and navy, he would not go into that subject, but every body must wish for their reduction to a peace establishment. The next great matter was the completion of the commercial treaties, not yet settled, as well as of the peace negotiations; all in a state of incompleteness that was extremely alarming; and now as we had no government at all, he should not wonder if the ministers of foreign courts should refuse to treat with us any farther. His Lordship after this mentioned

mentioned the East India Company's distresses; he stated their capital, and that of a variety of merchants trading to the East Indies, to be four millions, and said the national credit must necessarily be affected, if the Company was not enabled to keep its faith with its creditors. He alluded to the large sum they stood indebted to the Commissioners of his Majesty's Customs for duties, and said, he understood, that the Lords of the Treasury were willing to give the Company all the accommodation on their part that they possibly could, but it was not in their power to render them the assistance the situation of their affairs required. From these considerations, that House could not, in his Lordship's opinion, too forcibly mark their anxiousness to have an administration that would be responsible for the conduct of public business. After taking a large field in his statement of the country's situation, the noble Lord attended more immediately to the business he had in view. He said, he had a resolution to propose, and he would wish to qualify it in such a manner, that it might not be employed as a precedent on future occasions, or be made use of to countenance a future interference of that House with the prerogative of the Crown. He would wish, if it was the sense of the House, that it ought to be adopted, that it should be enrolled upon the Journals, as arising merely from motives of necessity, and as what necessity alone could warrant. This resolution was to be the ground of a farther address to his Majesty, couched in terms dutiful and affectionate, at the same time explaining the necessity there was for his Majesty's forming an administration, in language as strong and expressive as his Lordship's abilities would permit him to make use of. The noble Lord said, he would trust that it was the intention of every member of that House, to farther on all occasions his Majesty's gracious intentions, and to co-operate with him in every matter which should point to the public good and prosperity. His Lordship then read the following motion:

“That a considerable time having now elapsed without an administration responsible for the conduct of public affairs, the interposition of this House on the present alarming crisis is become necessary.”

Having read his motion, his Lordship said, he meant as he had said, that the resolution, if it was adopted by the House, should stand as the basis of another proceeding; that he had paid some attention to the sort of measure that

would be most adviseable to adopt next. There appeared to him to be two ways of proceeding; the one by moving for a committee, to be appointed to enquire into the causes that had for so long a time prevented an arrangement from being formed; the other by moving for an address to his Majesty, to be delivered with all possible solemnity; he meant by the Speaker in person. With regard to the first, when he came to consider it, there appeared to him to be many objections to it; a committee of enquiry could not proceed with any effect, but by interrogating and examining different persons, and such an examination would necessarily draw out a great deal of private conversation, which in all probability would be found extremely ineligible to be laid before the public. On that account, therefore, he had thought it more adviseable to propose another address, drawn up in terms of the utmost duty, respect, and loyalty to his Majesty, but in much stronger words than that of Monday last, and stating specifically the grounds of the necessity, which called for such a proceeding. His Lordship said farther, that he had no wish whatever, either to express or intimate a doubt, of the sincerity of the royal intention, much less to compel or force the prerogative in the exercise of one of its constitutional functions; but, on the contrary, to call upon the House, to assure his Majesty, in terms of the utmost respect and decency, of their cordial co-operation and support in a measure so necessary for the safety of his crown, and the security of his people.

He concluded with moving the proposition he had read.

Mr. Jervoise Clerke Jervoise seconded the motion.

Mr. W.
Pitt.

Mr. *W. Pitt* gave every credit to the noble mover for the best intentions. He, however, did not admit with the noble Lord, that there was a necessity for such a resolution after his Majesty's answer of Wednesday, and he thought the words of that resolution were as exceptionable as its spirit. There was an indecency in the language and stile of it, of which Mr. Pitt could never approve, and the spirit of it aimed at the very dissolution of the government of this country. If the most undoubted, the most constitutional, the most necessary prerogative of the Crown was to be wrested from it; or if any thing like an interference of that House, tantamount to such an intention once took place, then there was an end of the constitution, and the very political existence of this country. Mr. Pitt caught hold of the noble Lord's word co-operating, he attached himself

himself for some time to it, and said, for his part, he could not form a doubt but it was the wish of the House to establish such a co-operation as would prove undoubtedly of the most salutary consequence; that co-operation, however, was not to be acquired by the present resolution, which tended neither in its letter, nor its spirit, to conciliate it. If, by any co-operation of sentiment, in respect to an address, there was a probable likelihood of removing the difficulties that stood in the way of forming an administration, there was no man to be found more ready than he should be to adopt and subscribe to it; but he asked, and he demanded an answer from gentlemen, whether it was decent, whether it was loyal, whether it was parliamentary, whether it was constitutional, whether it was prudent, to agree to the motion proposed by the noble Lord? He requested that the House would consider that it was only on Wednesday last when his Majesty received the address, and that there had elapsed but four days since that time. The royal answer was all that Parliament could expect, it was all that Parliament could wish, and a reasonable time should be allowed for conforming to the requisitions of the House. He lamented the situation of government without a Minister, and saw inevitable destruction to the country if an administration was not formed; yet he must confess at the same time, that the measure proposed to the House to effect that desirable purpose did not meet his idea of what was due to the country, and what was due to the Sovereign. The motion strongly militated against political justice, and went directly to abolish the clear and indisputed privileges of the Crown, and to effect a dissolution of all regal authority.

Mr. *Martin* here interrupted the right honourable gentleman, by informing the House that he spoke to order. He wished, he said, to have some attention paid to what he was then going to mention. It was a matter that respected the orders of the House, and in which he thought the Serjeant at Arms was reprehensible. It pained him, he said, to speak on a delicate subject, but his duty called upon him to mention, that there were in the House some very improper persons. He saw strangers from another House below the bar, and he knew not how they came there. It was not a very pleasant task to him to be always obliged to take up this subject alone; he thought others should share the odium, as he understood it was sometimes so construed, of moving that

Mr. Martin.

the standing order of the House should be observed. He said, he was assured that most of the House immediately and perfectly coincided with him, and were of opinion that the standing order should be most strictly observed in respect to those strangers from the other House, and therefore he called upon the Chair to know whether such admission was winked at, or if not so, why the Serjeant dared to disobey his orders.

The
Speaker.

The *Speaker* said, that there was no such matter winked at, and ordered in the Serjeant.

The Ser-
jeant.

The *Serjeant* went up to the Chair, and informed the Speaker, that he had desired the noble personages to withdraw as soon as he knew who they were, and that in consequence of that requisition they had withdrawn accordingly. Mr. Colman then retired.

Mr. Pitt.

Mr. *Pitt* proceeded. He said, that until he heard some sound reason adduced, some good substantial argument in proof of the propriety of the noble Lord's motion, it should not, it could not, have his assent. In the words in which it now stood, it seemed to him to be couched in terms totally unwarrantable according to the present situation of the business. A most gracious answer had come from his Majesty, of which he was certain every member of the House approved, and that answer he insisted was a sufficient security to Parliament of the Sovereign's intentions to comply with the wishes of the House. It was a pledge of a very strong nature, and which, if the noble Lord's motion was carried, must in consequence lose its intrinsic value, and give an opinion of the royal word, which, perhaps, nay, which he was certain it was not in the intention of any member of that assembly to convey. If a second application became necessary, it should be adopted with propriety, and conveyed with delicacy. There was a respect due to Majesty, which he hoped the House would never forget, as it was one of the great links that bound the three estates of the constitution together. He said he should not, until he heard what was farther to be urged in support of the motion, take up any more of the time of the House.

Lord J.
Cavendish.

Lord *J. Cavendish* observed, that there were by the present unsettled state of affairs a number of distressing circumstances that came home to the feelings of every man; and as government was now without its functions, and in an absolute state of interregnum, the House was called upon to interpose; but this he wished to see done with
every

every degree of delicacy, with every respect to the Sovereign, and with all that was due to the constitution. Political necessity demanded, in strong terms, that something should be done, and therefore he should be happy to coincide in any proper mode to relieve the country in its present distressful situation. His Lordship said, he had a high respect for all that came from the throne, and was one of the foremost to credit a royal promise. Thus much he said in answer to what was insinuated against the supporters of a motion to accelerate the appointment of a ministry. The case, however, was now different from what it was at any former period, for this country was never in such a situation as it now stood; it was not like the æra of 1757, alluded to in a former debate, for the kingdom stood at this day without even a Chancellor of the Exchequer. Although there was at that time no administration that looked upon itself as permanent, yet ministers consented to remain in place for a time, and to conduct the public affairs. Thus the business of government went on, and the mischiefs and inconvenience that were now so obvious, and were so much complained of, were scarcely felt at all. His Lordship said, all that the noble Earl had stated in illustration of the necessity for some farther step to be taken by that House, was undoubtedly true; the difficulties and distresses of the country increased every hour, and the longer it remained without an administration, the nearer it approached to ruin. Who it was that had been the cause of so long a delay of an arrangement's being formed and appointed, he knew not, but they had much to answer for. His Lordship was of opinion, that the Address would be a much more eligible mode of proceeding than the resolution proposed by the noble Lord; and therefore he expressed it as his wish that the motion might be withdrawn.

Lord North was equally of opinion that the resolution was not consistent with the King's most gracious answer to the address presented on a former day. He did not think the word interposition was delicate enough for insertion, and could not reconcile to his mind the adoption of any motion that had such an expression in it. An address would meet the noble Lord's idea much better than such a resolution, though the noble Lord was inclined to think his Majesty's gracious disposition would supersede the necessity for either.

Lord North.

The

- heavy expences, and the important services voted—that the orderly reduction of the forces and expences of a new establishment—the settlement of the national credit, seriously affected by the critical state of the East India Company; with other important concerns, do severally, and much more collectively, require an efficient and responsible administration, formed upon principles of strength and stability, suited to the state of his Majesty's affairs both at home and abroad; and this House most humbly repeats its supplications to his Majesty, that he will take such measures towards attaining this object as may be agreeable to his own gracious disposition, and such as will quiet the anxieties and apprehensions of his subjects."

Mr. *Jervoise Clerke Jervoise* seconded the Address.

Sir Henry
Fletcher.

Sir *Henry Fletcher* adverted to the situation of the India Company, as a reason for supporting that part of the address which mentioned their distresses, and he moved, that a resolution on the Journals should be read, which respected the opinion of Parliament, how much the affairs of the company required redress. It was accordingly read.

Sir W. Dol-
ben.

Sir *W. Dolben* allowed what was on all hands allowed, that this country was, at present, in a very distracted situation, and that the public affairs required something effectually and speedily to be done. Arrangements, he said, had been talked of, which wore a new face each day, and claimed a different construction every hour. The noble Lord in the blue ribband had on Monday last said, that the arrangements to be settled between him, a noble Duke, and the right honourable Gentleman, who now sat near him [Lord North and Mr. Fox sat close to each other] had not been impeded so as to prevent an administration from being formed, by any difference of opinion with regard to those arrangements. In order properly to understand the noble Lord's meaning, it was necessary that the House should have something like a definition of the word arrangement. From all that he could learn, this political trefsyllable was the obstacle to that which the address, moved by the noble Lord intended to do away, and, therefore, he wished to hear from the opposite side of the House, how, and in what manner, it was to be construed. The great lines of policy to be pursued by those who sought to serve their country, he heard, were intersected by the desire of uncontrolled patronage, by the ambition of appointing to all the inferior departments

departments of the state. The difficulties of forming an arrangement, he understood, lay in a struggle to take from the crown, even the disposition of the domestic servants of Majesty, who should be Lords of the bedchamber, grooms of the stole, &c. &c. thereby making Majesty a mere cypher of royalty. He said he loved his country as dearly as any man, and admired its constitutional government, but he looked upon that constitution, and that government to be founded in the inseparable union of the royal prerogative with the legislative authority, and therefore he should never wish to see any interposition of the one that might destroy the other.

If motives of such a complexion swayed the merits and ruled the actions of those contending for power; if such trifling petty considerations were the causes of an arrangement not being yet formed, he thought the censure of the House could nor be too severe on those who were the authors of such a misfortune. But perhaps it might be owing to a difference about measures, for he was sure that there must have been very great and mutual concessions, or one of the parties must have totally abandoned former principles. On the other hand, if it appeared that any secret influence was used which prevented the wishes of the House and the desires of the public, he would be equally ready to condemn and censure that influence: but he much feared that the former was the case, and that a certain noble Duke, or rather the friends and advisers of that noble Duke retarded the formation of the Ministry for the paltry reasons he had already mentioned. This the honourable gentleman said, he had merely from report, but it was a report that many concurring circumstances seemed to justify. If such were the motives of any person's conduct they were truly detestable. Sir William put Lord North in mind, that he was in his administration supported by disinterested persons who acted solely from principle, and he said that they would continue to act so. He therefore called upon the noble Lord to declare, if these were not the causes of the delay.

Lord North declared and solemnly protested, that no such causes prevented the arrangement. He and those with whom he had the honour to coincide in sentiment were above such low considerations, such political meanness. As near as he could recollect, his words on Monday last, which were now referred to by the honourable Baronet, were,

“ that any differences of opinion respecting an arrangement that had occurred between a noble Duke, a right honourable gentleman near him, and himself, had never been the cause of an administration not being appointed.” The fact undoubtedly was so; not that he meant to say there had been no difference of opinion, as he said on Monday last; there certainly had been a difference of opinion, which had it remained, would have been material, and might have impeded if not prevented an arrangement on their part, but that had been got over. With regard to what the honourable Baronet had now thrown out, he had heard a great deal of idle report, equally vague and ill-founded, of different kinds; but he had never before heard even a report, that any men whatever had been so indecent, and so reprehensible, as to presume to dictate so harsh a measure as that suggested by the honourable Baronet. A consideration of who should fill the petty and subordinate offices had never been a topic with the noble Duke, the right honourable gentleman and himself; it never could have been a subject of dispute with them, but to have made it a matter of bargain with the Crown, in the manner stated, he would not scruple to pronounce would have incurred a degree of disgrace, that never should mark his conduct, and he would do the noble Duke and the right honourable gentleman the justice to declare, he sincerely believed they would not only be as incapable of it, as himself, but as much hurt, as he confessed he was at that moment, to have it suggested that such a proof of unworthiness to fill any office whatever themselves could have been evinced by them. Whoever the honourable Baronet had his information from, had misled him egregiously. The fact neither had, and he was sure never could have happened. Whatever difficulties there had been, were of a different nature indeed. With regard to the other sort of arrangements hinted at by the honourable Baronet; those for the measures necessary to be adopted to meet the particular exigencies of the times, so well described in the address then under consideration, it was impossible for him, the noble Duke, and the right honourable gentleman to have had any difference of opinion on such a subject. Uninformed as they at present stood, as to what had already been done upon those topics; ignorant of the facts on which each exigency rested, and how far any measures were in train for those services and those occasions, they could not be expected to be able to pronounce what steps would be
most

most adviseable to be pursued. His Lordship stated the want of an administration as a public evil, and said, undoubtedly the address was well founded in all the various particulars it enumerated; whether the time was come for the House, to go up to the Throne with such an address, the wisdom of the House would determine. The causes that delayed the formation of a ministry, he apprehended to be of such a delicate nature, as not properly at this time to meet the investigation of the House; but this he could answer for, that the blame lay not with him, with his honourable friend next to him [Mr. Fox] nor with a noble Duke [Duke of Portland]. They lay, perhaps, in some hidden cause, which as probably in his conjecture he might be wrong in attempting to ascertain, he would beg leave not to state. He assured the honourable gentleman in the strongest terms which words could convey, that the present delay was not to be laid at the door of the noble Duke, or any of those connected with him.

Sir *William Dolben* did not seem very well satisfied with this declaration. He considered the address as infringing on the constitutional prerogative of the Crown, for political purposes that were not calculated to serve the people. He expressed it as his most heart-felt hope, that as they had taken from the Crown all influence within the walls of that House, which was very proper, they would not take from Majesty all influence within the walls of his own palace, which would be very improper. He had not mentioned petty and subordinate offices, but offices of a domestic nature; he meant those servants of the Crown, whose employments, though neither petty nor subordinate, necessarily kept them near the royal person. It had been reported, that the noble Lord, the noble Duke, and the right honourable gentleman insisted on naming all officers of that nature, and if the fact were so, he thought they acted extremely wrong. Sir William said, the independent country gentlemen, who had supported the noble Lord in the blue ribband during his administration, had done so from an approbation of his principles, and not from the influence of his power, a circumstance which, happily for them, they had enjoyed a glorious opportunity of evincing; the noble Lord therefore, if he expected a continuance of their support, must act in a manner consistently with his former character and principles.

Sir William
Dolben.

M. Drake.

Mr. Drake had several material objections to the address, but he spoke in so low a voice, that it was impossible to distinguish the premises from which he drew his conclusion.

The Lord Advocate.

The Lord Advocate of Scotland saw the answer from his Majesty to the last address in the same light in which it appeared to Mr. Pitt. He thought that the assurances from the throne were strong, and ought to be relied on. He agreed also that the time was very short from Wednesday to Monday, and that the House would appear to act most hastily if they interfered before a decent time was given to fulfill the requisition of one of the most important addresses that was ever carried up from the Commons to the Throne. The learned Lord adverted to what was thrown out with respect to the secret influence, which he reprobated in very strong terms. He allowed the necessity that called for an administration. As to the address, it not only met his objection in this point, but in a still more forcible manner, as to its constitutional justice. He looked upon it to infringe on the royal prerogative as much as the motion, now withdrawn, which had preceded: but, divested of these exceptions, it had another: it was not grounded on any fact ascertained to the House which justified such a proceeding; secret influence was not proved—no reason to doubt his Majesty's reply produced, nor any one circumstance brought into argument, except the resignation of Ministers, to support the motion. The resignation of Ministers had already produced an address, and to that address his Majesty was pleased to return a gracious and most satisfactory answer. The House however, as if they seemed to doubt the integrity of the royal intention, hastily proceeded to censure it—at least to cast an oblique censure upon it, by following it up with another address. The learned Lord said he was confident in the idea of the right honourable gentleman on the same bench with him, that his Majesty's intentions were to comply with the wishes of the Commons, and that nothing sat nearer to his heart than appointing an administration which should have the confidence of the people. His Lordship said, he felt considerable difficulty as to the delicacy of expression, which the argument he was about to use required. He doubted his own ability to convey to the understanding of the House, what weighed most with him as a reason why the address now moved appeared highly improper for that House to resolve on at so very short a distance of time, as had elapsed since
Wednesday

Wednesday last. Indeed the feelings that most forcibly impressed his mind, could not consistently with the wise forms of Parliament, be expressed in words; but he would endeavour to give them such an utterance as should render them intelligible. The House had, that day heard, that a right honourable gentleman near him, of whose extraordinary abilities and incorruptible integrity no man had a fuller conviction, and for which no man felt a higher degree of respect than he did, had just, within two hours of the moment that he was speaking resigned his office of Chancellor of the Exchequer; suppose it should have been the anxious wish of the highest authority in the kingdom, to have placed the right honourable gentleman in question at the head of the government of this country. Suppose that the completion of this wish, should never have been abandoned till that day. In that case the House would surely see, that a matter of perfect novelty had just occurred. A matter that must necessarily give the whole business of an arrangement a new turn! Would the House then under such peculiar circumstances wish to press indecently forward? To deny the constitutional prerogative its free scope? Or would not gentlemen, on better recollection, think it more respectful not to be so precipitate, but consent to check their speed, and reserve the measure now proposed, or any other that might be thought necessary, a little longer. Since Wednesday last, little, very little time had elapsed. Had there been delay? [a loud laugh] He repeated his words, had there been delay? He meant culpable delay; for unless the delay could be proved to have been avoidable, there was no culpability in it? Why not wait a day or two longer? A day or two might justify what was now in his opinion, at least, subject to the charge of much doubt as to its propriety, if not to an absolute and direct impeachment, as a matter neither necessary nor justifiable, unless somewhat of stronger argument could be adduced to prove its greater necessity now, than had been adduced to prove the necessity of any such measure last Monday. He therefore thought, that it was his duty, from the sentiments he felt, and from a conviction in his own mind, that an administration should be speedily formed, to object openly to the motion for the address; but as every thing of that nature deserved respect, he should not negative openly what the noble Lord proposed, nor put it out of his power to bring the matter on again, if the

the necessity of the time demanded it; and therefore he should move the previous question, or the order of the day. The latter was what he adopted, and he moved it accordingly.

Sir Harry
Houghton.

Sir *Harry Houghton* paid many compliments to Mr. Pitt, and lamented the political loss to the nation, which, he said, must be felt on the resignation of so able, so eloquent, and so virtuous a senator: but said it was his hope that the right honourable gentleman would still remain "a jewel in the mouth of the law." He desired the royal message of Wednesday last might be read. (The message was read accordingly) Sir Harry then said, he had not moved for the message to be read from any desire in his own mind to be more fully convinced, than he was, of his Majesty's goodness, in immediately sending them a most gracious answer, nor of the sincerity of the royal intention, with regard to what was in the message declared to be his Majesty's earnest desire, but to remind the House, how very lately that good and gracious message had been received, and to submit to their own feelings and candour, whether they would not act too precipitately, thus early to vote an address, similar to that now moved. Sir Harry reasoned on the wish, that every gentleman must feel to avoid adopting any measure, that carried with it even a shade of disrespect to the Crown, and as the present address had, in the course of their debate, been so construed, he thought that a sufficient reason for wishing to postpone it for the present; he therefore seconded the motion for the order of the day.

Mr. Perci-
val.

Mr. *Percival* said, he had no objection to the address, though he did not consider it as well timed, nor was it, in his opinion, so fully expressive as it ought to be; if the address was persisted in, he could wish to add an amendment to it, by "assuring his Majesty, that that House " would fully support any administration he might be pleased to form, as long as they acted constitutionally." That amendment, he thought, ought to be inserted, as it would clearly evince that the address did not proceed from any party motives, or that the House wished to point out any particular set of men to his Majesty of whom to make choice.

M. Fox.

Mr. *Fox* next rose, and declared that he by no means saw the necessity of the amendment, mentioned by the honourable gentleman; the address, in his opinion, fully expressed what

what the honourable gentleman wished; it said, that the House was bound by duty, and led by inclination, to give an effectual and constitutional support; surely that was saying every thing that could be wished; it would be needless to say more, indeed it would be wrong to agree to support men before they knew who those men were.

The learned Lord had observed, that the resignation of Mr. Pitt ought to be a means of postponing the address; at the same time insinuating, that the great obstacle to forming an arrangement was now removed. Did the learned Lord wish to say that Mr. Pitt's having remained in office for the last six weeks was the cause why no arrangement could take place? If he did, the blame undoubtedly lay with Mr. Pitt, but he by no means believed that to be the case; for his own part, he considered the resignation of that right honourable gentleman neither to retard or expedite the forming an arrangement, for he had, in fact, been considered out of office these six weeks; nay, his own words, a considerable time since, were, that he only remained as a *locum tenens*, to do the business until some other person was appointed; surely, then, his having resigned this day could be nothing unexpected.

The learned Lord had desired the motion to be postponed for a few days, would the learned Lord assign any reasons for putting the address off; would he give the House any reason to think an arrangement was about to be made, and in such forwardness, as to promote a ministry in a few days; in fact, would he give the House any reason whatever why an arrangement had been so long delayed? if he would not, he (Mr. Fox) must say, that the learned Lord's inexpressible reasons were such, as by no means warranted the House to delay the address moved by the noble Earl. The situation of the country, so truly painted by the noble Earl, called aloud for an administration to be formed with all possible speed, and the learned Lord himself had said, that any unnecessary delay certainly was culpable. Surely six weeks had been a sufficient time to form an arrangement in, therefore it was clear that some persons were culpable, but who they were, he was not sufficiently warranted to say; yet he would persevere in what he mentioned on a former occasion, that those persons were culpable who gave his Majesty advice to delay the business, and on whom could he fix that culpability but on those who had access to his royal person.

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With regard to the right honourable gentleman's (Mr. Pitt) responsibility, he was glad to hear the noble Lord in the blue ribband touch that point. Had not the noble Lord spoken in that manner to the first motion he meant to have done so. As long as the right honourable gentleman held his office, so long he certainly was responsible; not that he meant to charge him as the cause of the delay of not appointing an administration for so long a time, a matter which the country felt severely! He had no inclination to prefer an accusation to that quarter; indeed he was neither ripe to acquit, nor ready to condemn; without proof he could say nothing one way or the other. With respect to the general argument of the learned Lord, if it applied at all, it applied in a way directly opposite to that in which it had been used. All the learned Lord had said, as well his inexpressible reasoning, as his other reasoning, went rather to shew that the address was necessary, than that it was unjustifiable. The learned Lord had said, if there had been delay — if there had been delay? — had there not? — What did all the world complain of? — But then, says the learned Lord, if there has been culpable delay? Undoubtedly the delay was culpable. Why had that House voted their address of Monday, but because they thought the delay culpable? Why for a moment entertain the present motion, but because the still longer delay appeared to be still more culpable? There was no doubt of the fact, the only question under the present circumstances was this: would it not be wise to act unanimously, and for that House, to avoid as much as possible the appearance of any thing like a contention of parties? For this reason he deprecated a division. He earnestly conjured the House not to divide; but rather to withdraw the motion, than let it go to a division. If either the learned Lord or the right honourable gentleman would declare, nay, if they would hint only that they believed an arrangement would speedily be formed, or if they would say a motion similar in purport to the present (for no gentleman, he presumed, meant to cavil for words,) would be agreed to by them, if no arrangement took place in a day or two, he would by all means advise the noble Lord to withdraw his motion. On the present occasion, however they might differ on other questions, he was persuaded there was but one opinion; ~~there~~ therefore, there was a real unanimity; he wished most earnestly to avoid the appearance of dissention. Having argued this very strenuously,

ously, Mr. Fox took notice of what Sir William Dolben had said in his first speech. He observed, that the honourable Baronet had called for more than insinuation to support the charge of secret influence. If the honourable Baronet would recollect what had passed last Monday, he would have remembered, that he had much stronger evidence of the existence of secret influence than bare insinuation; he had self-confession. That which suspicion had only glanced at heretofore, boast and exultation had avowed.

He had learnt more than ever he knew before, and, in fact, more than ever he expected to have heard; he had learnt that a privy counsellor, who was not a minister, might give his Sovereign advice, and not be ostensible for the effect that might be produced by it. Surely the House could not agree to such an absurd, ridiculous, and dangerous doctrine: indeed it was an insult to their understanding, but it had been exultingly mentioned by a right honourable gentleman (Mr. Jenkinson) on Monday last, and the only excuse he made for it was, that he never gave any but good advice. How was it to be known whether that advice was good or bad, but by the effect produced by it? The effect was the only criterion he could judge by, and if that right honourable gentleman had given his Sovereign advice in the present instance, he was the person culpable. He knew, he said, perfectly well, that it was a difficult matter to prove to the House the culpability of a person in such an affair, as private conversation could not be called for, nor could the secrets of the Cabinet be divulged. — The noble Lord (North) near him had been called on by that right honourable gentleman (Mr. Jenkinson) on Monday last to declare, whether he ever found his schemes frustrated by a secret influence? and he had declared that he did not. This might be easily accounted for; the right honourable gentleman in question was a known friend to the government under that noble Lord, as the measures it pursued were consonant to his ideas and wishes. But what would the consequence be, if that right honourable gentleman was suffered to give his Sovereign advice without being responsible? When an administration might be in power that was of a different way of thinking to him, what a predicament would they find themselves in? their schemes, their plans, formed with the best intent possible, all frustrated, owing to advice given by a person by no means responsible for the effect of his advice. What could an administration do in such a case? Why, in

his opinion, they would have no other alternative than to signify their disapprobation to the measures by a resignation of their offices. That was the only step a virtuous administration could take; but he sincerely hoped, that such steps would be taken as totally to preclude any thing of the kind happening in future.

The public were led to believe several things to the prejudice of himself and friends, by a number of arrangements that daily appeared in the public papers. How these arrangements came to the papers, or who formed them, he was totally ignorant; he could with a safe conscience say, they were, to the best of his knowledge, erroneous; at least, he knew nothing of such arrangements. And with respect to the conditions of insisting upon naming all the petty arrangements of state, (the persons belonging to his Majesty's household) it was too absurd an idea for any person to suppose the noble Lord [North] could be guilty of it, and he could, with equal truth, say, that the noble Duke [Portland] never had such an idea.

He was in hopes that as the whole House seemed perfectly agreed on two grand points: first, the necessity of an Administration; and secondly, that the appointment of that Administration should be such as was most consistent with the dignity of the Crown, that there would be no division. Thus he must again urge to the House. Unanimity, however desirable at all times, being never more requisite than at present, he therefore by all means wished the House not to divide, but cordially to agree, as that would be one great means towards expediting the business so ardently wished for.

Sir H.
Houghton.

Sir *H. Houghton* rose to explain some parts of his speech, which he were fearful was misunderstood.

Mr. T. Pitt.

Mr. *T. Pitt* said he could by no means see in the delay that culpability so warmly expressed by the right honourable gentleman. He begged the House to recollect that the address to his Majesty to form an arrangement had only passed on Monday last, and his Majesty on the Wednesday following had sent a most gracious message, "that he would at all times be happy to do every thing in his power to comply with the wish of his faithful Commons." Surely, after his Majesty had so strongly complied with the prayer of the address, it would be scarce decent to carry up another at the end of four or five days, hinting, that they had doubts or jealousies of the truth of his Majesty's answer.

The

The noble Lord [North] had mentioned that there was no insurmountable difficulty that had prevented the arrangement taking place in the negotiation between the coalescing parties : he wished to know particularly about that matter, for he did not rightly understand the noble Lord. If there were no insurmountable difficulties, how came the arrangement not to take place ? Surely the secret influence so much complained of had not been the sole cause of delay so much reprobated ; there certainly must have been some other kind of delay, some culpability in another place. The honourable gentleman then touched on the coalition : it appeared strange to him, that persons of such opposite opinions could ever agree together ; they differed so essentially on almost every grand constitutional question, that it was almost impossible for them to act together. Either the noble Lord must have given up his political opinion to Mr. Fox, or Mr. Fox to the noble Lord, or both parties have made concessions to each other, was clear ; therefore it would be nothing but right that the nation should know which was the fact. The honourable gentleman concluded with declaring, that he was against the address at present.

Mr. W. Pitt made a public declaration, that he was un-
connected with any party whatever ; that he should keep him-
self reserved, and act with which ever side he thought did
right. He would abide by the declaration he made on a former
occasion, that he would take no active part either for
or against any party, but would be guided totally by the
measures that were pursued ; and it would be with the utmost
reluctance that he should oppose any administration what-
ever, neither would he do it unless he was convinced they
were acting wrong. In reply to what had been said about
his responsibility, he declared, he was the last man in the
kingdom holding the principles that he had repeatedly avowed
in that House, and meaning to act up to those principles in
every possible situation, who would for a moment attempt to
argue, that persons holding offices were not responsible for
every part of their public conduct. Undoubtedly they
were, and he held himself responsible to the very hour of
his resignation ; at the same time, he trusted, that it would
be admitted the extent of the responsibility was to be deter-
mined and governed by the peculiar circumstances of the
times. If it should appear hereafter, that he had, on any
occasion, within the past six weeks, done what he ought not

Mr Wm.
Pitt.

to have done, or left undone what he ought to have done, or, in fact, neglected to promote the public-interest, where he could have promoted it, he was ready to admit his culpability.

With respect to the motion before the House, he really thought it too precipitate; there had been scarce time since his Majesty had given his gracious answer to form an arrangement; he could wish, as the right honourable gentleman had said, that unanimity would prevail, and that the address would be withdrawn without a division. He would not pledge himself to the House that such an arrangement would positively be made as the former address required, yet he thought an arrangement would take place in the course of a few days, therefore he could wish they would wait for it, and if then they should observe any culpable delay, the motion should have his hearty concurrence and support. He would not pledge himself to abide by the exact words, but he certainly would vote for an address to the throne to know the cause of delay.

Mr. Fox.

Mr. Fox said, he was glad to hear the honourable gentleman say so much. He was certain his noble friend by no means wished to push the motion, nor quarrel nor differ about particular words. The noble Earl had done his duty in making the motion, and he made no doubt would readily withdraw it if he saw any reason to think that an arrangement was in negotiation that would answer the purpose required.

Mr. Martin.

Mr. Martin said, as the noble Lord had declared that he and his new ally differed on many grand points, he thought it would be of service for the House to know on what points they did agree, as they formerly had disagreed on almost every point; the coalition was strange and unnatural; it was reprobated by most people without, and laughed at by most within.

Ld. North.

Lord North said, that notwithstanding the severe reflections cast on the coalition, it would be found that neither party had given up their sentiments, yet they could act together for the public good; the honourable gentleman (*Mr. Fox*) and himself undoubtedly disagreed on many great points, and as they were well known to the House there was no occasion to repeat them; the points had often been mentioned; and if the honourable gentleman meant to say that no persons could form an administration who did not perfectly agree on all points, he would be bold to say it was impossible

impossible to form an arrangement; for there were not twelve men to be found who had not materially disagreed on some great point or other.

Sir *William Dolben* desired to be understood by the noble Lord in the blue ribband, that what he said went to a wish that he might never see the day when the Lords of the bed-chamber were to come down to the House either to browbeat or support a Minister. He coincided, he said, perfectly in the idea of withdrawing the motion for a few days, and thereby giving time to the Sovereign to comply with the desires of the House. Sir. Wm. Dolben.

Mr. Fox got up and defended himself on the coalition between him and Lord North. He said, that if none were to be admitted to take a part in the administration, as mentioned by the noble Lord, but those whose political sentiments never disagreed, it would be difficult indeed to form an administration. The motives, he said, which induced him to agree to the coalition, which an honourable member took upon him so strongly to reprobate, were, that nothing but a coalition of party could remove the political obstruction given to the business of the state. Was not such a coalition therefore to be sought? was it not most earnestly wished? he recollected, he said, when the time was that every man expressed his hope that jarrings and bickerings would cease, and those of opposite interests join for the general benefit of the common-weal; but no sooner had that desirable event been accomplished, than a new complaint arises, and takes the unconstitutional form of a coalition for private interest, because there was a junction for the public good. He said, with regard to the principal cause of difference of opinion between him and the noble Lord, that was now at end. On other points they still differed; but in order to convince the honourable gentleman how much their difference amounted to, he would assure him that they differed not more than the present Lord Chancellor, and the present Master-General of the Ordnance; the Secretary of State for the southern, and the Secretary for the northern department; or than the honourable gentleman himself, and the learned Lord who sat below him, had differed in opinion upon great constitutional points. The honourable gentleman contended, and he ever should contend, that this country was only to flourish, her glory to be maintained, and her commerce preserved by the unanimity of Parliament; and as that was a maxim not to be in fair reasoning contradicted;

dicted; sophistry could only send it abroad, that a junction of opinions, hitherto opposite, was not the proper means to effect so desirable a purpose.

Sir Charles
Turner.

Sir *Charles Turner* reprobated in strong terms the coalition between the noble Lord and his new made proselyte. He said in this day's idea of that party, they wished to take from the Sovereign even the assistance of a private friend. The King was not to have any man to whom he could unbosom himself in private, or on whose advice he was to rely in case of need. The common rights of a subject were to be denied to him by the new doctrine of the new coalition. This was going beyond the constitutional limits, and so directly opposite to those principles, hitherto held sacred by the noble Lord in the blue ribband, that he became a metamorphose politically wonderful indeed. The country, he said, was in a state of distraction—but who were the people to blame—the noble Lord in the blue ribband. It was he who supported that war to which we owed all our misfortunes, and he should ever consider him and his colleagues in office, the source of all our internal divisions, and our every political misfortune.

Mr. Burke.

Mr. *Burke* rose, and, in a full, clear, and manly way, vindicated the parliamentary conduct he had observed for a period of eighteen years: he had constantly voted on the same side with those noble and firm supporters of the constitution, (the House of Cavendish) and he trusted he always should; he had been blamed for joining in the coalition, he made no doubt but a time would come, when he should have it in his power to convince those persons that now railed so bitterly against it, that they were entirely wrong, and doing more hurt to their country than probably they expected; it was absurd to talk that the coalition could not act because they differed on some points; had he not differed, on the Middlesex election, respecting equal representation, &c. with his honourable friend, Mr. Fox, yet would any man say they could not act together on other grand points? undoubtedly they could, and it would be found that coalition was the only means that could be adopted to make an administration on a firm and broad basis.

Sir Richard
Symmonds.

Sir *Richard Symmonds* said, the noble Earl who made the motion had manifested true Christian forgiveness, for he formerly threatened to move for the expulsion of the noble Lord (North) and now he was for having him brought in again.

again. As to the present coalition, he could not help mentioning, to their honour, a report which he had heard that day; it was, that they meant to serve their country without receiving the emoluments of office; if that was true, they might depend on his warmest support; if otherwise, he thought the coalition so unnatural, that he should deem it his duty to watch them narrowly before he gave them any support.

The Earl of *Surrey* answered this, by saying, whatever Christian forgiveness the honourable gentleman might give him credit for, the fact was, he had exerted his endeavours to turn the noble Lord out of office last year, because he then thought his measures tended to the ruin of the country; he was now anxious for an administration, without any consideration who was to form it, because he was convinced the country would be ruined unless one was soon appointed. The Earl of Surrey.

Mr. *Martin* said, since it had been confessed, that the noble Lord and the right honourable gentleman differed in many great constitutional points, he was persuaded it would afford much consolation to that House if they would state in what they were agreed. Mr. Martin.

Colonel *Hartley* spoke in favour of the motion, and wished, that although it was understood to be withdrawn now, that the noble Earl would, if the arrangement was not formed in the course of a few days, renew his motion, and then it would be almost impossible for any person to be against it, as all sides allowed the necessity there was for an Administration, to prevent the ruin that threatened this country. Col. Hartley.

The Earl of *Surrey* said, he had no objection to withdrawing his motion on the conditions mentioned by the right honourable gentleman [Mr. Fox]; but he had not yet heard any person assert that an arrangement was likely to be formed, or in fact, that there was an arrangement now any forwarder than there was last Monday; therefore, unless he could hear something of a promise that an Administration would be formed in the course of the week, he should persist in his motion. The Earl of Surrey.

Mr. *W. Pitt* said he had not, nor would he pledge himself to the House that there would be an arrangement formed in a few days; but he naturally supposed there would, from the nature of his Majesty's royal message, which so unequivocally declared that he would comply with the wish of his faithful Commons. Mr. W. Pitt.

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The Earl of Surrey. The Earl of *Surrey* said he should consent to withdrawing his motion ; but should on Thursday next insist on making it, especially as he was promised support from all sides.

The Speaker then put the question, that the Address be withdrawn, which was agreed to.

Sir George Yonge. Sir *George Yonge* wished the House to take notice, that he should on Wednesday next make a motion relative to the army, which he hoped they would particularly attend to, as it was of the utmost consequence.

Mr. Fox. Mr. *Fox* desired to know what the motion was about, whether it was to augment or diminish the army, or whether it was for a vote of credit.

Sir George Yonge. Sir *G. Yonge* said it certainly was for a farther vote.

The Earl of Surrey. The Earl of *Surrey* rose again, and remarked to the House, that it was necessary for him to alter the day from Thursday to Wednesday ; for if a farther vote relative to the army was intended to be brought on, he certainly should think it highly improper to agitate a business of that consequence before an Administration should be formed ; he therefore wished the House to understand that he should resume his motion on Wednesday next.

Sir George Yonge. Sir *G. Yonge* said there were particular reasons which made it necessary to bring on a motion of the kind he mentioned.

Mr. W. Pitt. Mr. *W. Pitt* desired it to be remembered that he had not pledged himself to any particular day, nor indeed could he yet ; he hoped there would be no occasion for the noble Earl to resume his motion.

The Earl of Surrey. The Earl of *Surrey* said, he had no motive to answer in making the motion any other than the public good ; he last year made a motion for turning out the Administration of the noble Lord in the blue ribband, because they had brought on ruin to the country ; and his chief reason to day in moving the address was, to put an end to that anarchy and confusion which so evidently prevailed, and which, if suffered to go on, would end in the total ruin of this country. He sincerely hoped an Administration would be formed before Wednesday ; but if there was not, or that there was very good reason to, think that one was pretty forward, he certainly would on that day make his motion.

The order of the day being read for a farther hearing of Sir Thomas Rumbold's business, it was agreed to defer the proceedings on the bill for inflicting pains and penalties until Thursday next.

April 1.

General *Smith* brought up a report from the select committee, and moved that it be printed; he would not say any thing on the subject of this report for the present, except that it was of a very extraordinary nature, and worthy of the most serious consideration of the House. Gen. Smith

Sir *William James* objected to the printing of the report, as such a measure, disseminating a charge through the world, unaccompanied by a defence, would create a bias in the minds of men, greatly to the prejudice of the persons who were the objects of this report; he was sorry that he and another gentleman (Mr. Lawrence Sullivan) should have appeared to the committee in so disadvantageous a view, as to be made by them subjects of a criminating report to the House of Commons; he begged however, at the same time, that gentlemen would suspend their judgment, and not condemn them unheard; for the other gentleman and he would be able to bring the most satisfactory evidence to prove, that if there had been made an alteration, or an erasure in the records of the company, it was wholly without his knowledge, or that of Mr. Sullivan. Sir William James.

Governor *Johnstone* did not object to the printing of the report, which he called frivolous, ridiculous, and absurd, and fit to be presented only on such a day as this (the 1st of April); the report was involved in a profound mystery; at least it appeared that the committee wished it to be so; for they had kept their proceedings as secret as possible: he himself, desirous to see the minutes of the select committee, went to the room where they sat, and began to read them; but an honourable General coming in, interrupted him, and would not suffer him to proceed with his reading. Gov. Johnstone.

As a very near relation of his had been a member of the committee, he had applied to him to learn what had been the nature of the proceeding, upon which a report teeming with charges of so aggravated and heinous a nature had been founded. His honourable relation told him, that he had early discovered so much heat and violence, so much passion and prejudice, in the majority of the members of the committee, or rather what appeared to him to be those impulses, that he had at the time determined to withdraw himself entirely from the committee, and never again attend their meetings. This resolution he had strictly fulfilled, and therefore he neither chose to ask himself to see the minutes of

the committee, the entries of the evidence they had examined, or the copy of the report that was to be presented to the House, nor that they should be shewn to any other member. Finding it impossible to come at the facts in question that way, he had taken another method, and gone to the witness, who had given evidence before the committee, to know what that evidence amounted to. He had written down the whole of it, and would state it to the House.

Mr. *Burke* said, the honourable gentleman was proceeding in a manner that was extremely disorderly.

The Speaker then told the Governor, that the sole question before the House was, "That the report be printed;" he must therefore confine himself to that, and that alone.

Gov. John-
stone.

Governor *Johnstone* said, if it must be so, he would content himself with declaring, that it was wholly unjustifiable, just on the eve of an election, to bring in a report calculated to injure gentlemen who were candidates, and that if the evidence given before the committee was the same as that he held in his hand, (and he had every reason to believe they exactly corresponded) he would defy the world to make out a tithe of the charge alledged by the honourable gentleman the preceding evening. The report, he was convinced, as far as regarded the charge in question, was the most trifling, absurd, and ridiculous one ever presented to a House of Parliament, and the worthy General had chosen the properest day of the year to bring it forth.

Mr. *Burke*.

Mr. *Burke* desired to say a few words in honour of the first of April, so peculiarly marked by the honourable Governor as a day on which frivolity and levity were excusable, and on which it had been the study of the select committee to bring forward their report. After a pleasantry or two on this idea, Mr. *Burke* said, he was sorry to hear that the passion and prejudice, heat and violence of the committee had occasioned any of its members to withdraw their attendance. If, however, those heats and violences had really been visible, of which he was by no means conscious, he thought it would have better become the moderate and impartial to have continued their attendance, in order by their coolness and candour to have removed, regulated, and restrained the prejudices, passions and violences of others. He had long since found out, that in the investigation of East-India affairs, it was highly necessary for those employed in such a pursuit, not to attempt to conquer their passions merely, but
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by every possible guard of prudence to check and control certain feelings, that were apt to arise pretty frequently in the minds of men, and which it was a matter of no small difficulty to keep in a state of tolerable subjection. With regard to the committee in general, their conduct had been an instance of the most extraordinary perseverance, and the most steady and patient assiduity, that perhaps ever had occurred. The report owed a great, and indeed the greatest part of its merit to the honourable General near him, and did him infinite honour. He had very little share in it himself, having had abundant avocations upon his hands in investigating the trade of India, and in attending to other parts of the business. Mr. Burke contended, that what the honourable Governor had done in order to come at the report previous to its being presented to the House, had been unwarrantable, and that the honourable General had done no more than his duty in withholding the copy in the manner that he had withheld it.

Sir *John Wrottesley* thought this a very extraordinary time for producing the report, just on the eve of an election at the India-house for directors, and when the two gentlemen who were charged in the report, were known to be candidates. This might induce some people to think, that the report was brought forward solely for the purpose of prejudicing these two gentlemen in their election, and he confessed, for his own part, that he saw strong reason to suspect a want of candour and fairness in the management of the business.

General *Smith* said, that having ceased to be a proprietor of stock, he had no farther concern with the Company, and therefore was without prejudice, as to the event of any election for officers of the Company. It was thought by some gentlemen, that the report was ill-timed, because it might interfere with such an election; he knew no principle on which it could be argued, that public justice ought to give way to private concerns, and therefore the election of the India-house was no cause for putting off the report; on the other hand, he assured the House, that if it had not been for the prevarications and collusion of a clerk in the India-house, the evidence contained in the report might have been obtained and laid before the House two years ago.

He said, he was neither to be diverted from his duty as a member of that House, nor in any way affected, either by a sally of imagination, or a sally of passion, which the ho-

nourable Governor might at any time think proper to give vent to; but as the honourable Governor had not correctly stated what had passed, relative to his being denied a sight of the report, he begged to be permitted to inform the House of the real circumstances of the transaction. The honourable Baronet over the way had sent him a letter the preceding evening, begging to be permitted to see the report; being extremely desirous of giving the honourable Baronet, whose name was mentioned in the report, every possible satisfaction that in candour and fairness could be given him, as chairman of the committee he had directly written an order to the clerk of the committee, to let the honourable Baronet have the copy of the report to peruse. When, however, he came down to the committee-room that day, he had found, not the honourable Baronet solely perusing the report, but the honourable Governor behind him, and three or four other members of that House reading one part of it. He suffered them to finish the part they were reading, but directed, that the rest should be withheld. The General said, it was an extremely unpleasant thing for him to be obliged to enter into altercations with the members of that House, but as chairman of a committee appointed by the House, he must do his duty, and he did not think it by any means proper or consistent with the respect due to the House, that a report to be presented to them should be privately examined and criticised previous to its delivery.

Mr. S. Smith

Mr. S. Smith was of the same opinion with Sir John Wrottesley, and he farther stated, that it was a very extraordinary circumstance, that a member, not only of the House, but of the Select Committee itself, had been refused the liberty of reading the evidence on which the report had been founded; the honourable Baronet (Sir William James) wished to see if the evidence that had been given *viva-voce* had been faithfully taken down by the committee, but this just and fair wish had not been gratified; and hence an inference might be drawn, and supported by the circumstance of the time, when the report was laid before the House, that public justice was not so much the object of the committee, as to prejudice the two gentlemen in question in their election.

Mr. Smith mentioned Mr. Sullivan in terms of great respect, and said, he was a man, whom the honourable General might be proud to call his friend. He also again adverted to the General's conduct in the committee-room, and concluded

cluded with saying, that strange and extraordinary, however; as what he had related might appear to the House, he averred it to be a fact.

Mr. *Burke* said, in answer to Mr. Smith, that it was evident he was but a young member, or he would have known that the powers of committees, and of their chairmen were such, that no member, not upon the particular committee, had a right to look into the papers of that committee, unless the chairman chose to give such member his authority for so doing. With regard to the particular paper withheld, the honourable General near him was not only warranted to withhold the sight of it, as chairman of the committee, but on another and a much stronger ground; viz. because the paper was his own particular property, and did not belong to the committee at all. Mr. *Burke* said, it behoved the House to print the report, in order to prevent the effect of very improper publications that were handing about. Indeed, if the House did not print it in their own defence, and in justification of the committee, they would have the report partially printed, and that in such a manner as would do infinitely more injury, than a fair and authentic publication of the whole of it.

Lord *Mulgrave* said, he was totally unacquainted with India affairs, or the concerns of the Company's servants, and therefore he might be supposed to speak on this occasion without prejudice or partiality; he had strong objections to the printing of the report; for until the House should have agreed to a report, particularly of a criminating nature, he could not look upon it in any other light, than as an *ex parte* evidence; and therefore he could not consent that such evidence should go abroad into the world, unaccompanied by the defence of the persons charged; for if it should, there was no manner of doubt, but it would prejudice them awhile in the eyes of the public. In the courts below, the judges were cautious how they suffered evidence to be given at one period of a cause, which might bias the minds of men at some other stage even of the same cause; and therefore he thought, that in Parliament there should be at least as great circumspection as in the courts below. His Lordship declared himself altogether uninformed, as to the facts stated in the report, their tendency and application, consequently, were matters perfectly and equally immaterial to him. As a mere stander by he could not but be impartial, and in that character he owned it struck him very forcibly, that
printing

printing a report, conveying imputations against a member of that House, and another gentleman, just at the eve of an election, in the issue of which those gentlemen were interested, would be a measure neither consonant with candour nor justice. Mr. Sullivan and Sir William James, he understood, were both named in the report, and that in a manner that conveyed an imputation upon their characters; in fairness, therefore, he thought the House, under such circumstances, ought to deter printing the report till the election that was to come on the next week should be over.

Gen. Smith. General Smith said, that when he brought up the report, and moved to have it printed, he had not expected a debate would have taken place, and had therefore forbore to enter upon it at all; but as a great deal had been said, he trusted he should be allowed to take up a few minutes of the time of the House in justification of the report and of the committee. The General warmly expressed his surprize at having heard the noble Lord, who had declared himself wholly uninformed upon the subject, venture to oppose his opinion upon the report, to that of those who were well informed, and who, from a most elaborate attention to the business, were perfect masters of it. He said, that in point of impartiality, the noble Lord could not be more disinterested than himself. He was no longer connected in any shape with the East India Company. He had parted with all his stock, and had not the smallest interest in the Company's affairs. With regard to the report being founded on *ex parte* evidence, nothing could have been more fair than his proceeding all through the enquiry, upon which the report was founded. He claimed it as a merit, and expected to have credit for it. As soon as the Committee came, in the progress of their examination, to touch upon the matter concerning Mr. Sullivan, he staid the proceeding till he had sent Mr. Sullivan notice of it, and got that gentleman to be present while the enquiry went on. The honourable Baronet also, whose name was likewise mentioned, he trusted would do him the justice to say, that he had given him the fullest and fairest opportunity of hearing all that was urged upon the subject, as far as it affected him. Gentlemen talked of the election that was impending; the Committee of that House were bound to do their duty, without any consideration whether the report they had formed would or would not affect particular persons in particular transactions out of that House. As to why it was deferred so long, and brought in just at
that

that crisis? The answer was simple and plain. It was not the fault of the Committee that the report had not been brought in before. Its delay had been occasioned by the reservation of evidence. The committee had discovered the business in question eight or ten months ago, but Mr. Wilks had been persuaded to secrecy, and they had only got possession of the altered records of the Company eight or ten days ago. As soon as they had got hold of him, and found him ready to tell all he knew, they made no delay, but completed the business as early as the delicate nature of it would admit. The General justified the caution he had used with regard to withholding the sight of papers from the members of that House, by reminding the House, that the Committee were responsible for the report, and answerable for every part of it with their characters.

Lord *Mulgrave* rose again, and declared, he had not said Lord Mulgrave. one word in question of the facts stated in the report; he had professed to be ignorant what those facts were, and consequently could not speak to their validity. What struck him very forcibly, and what he thought a received principle in the courts below was this: That if in the progress of a cause which cannot be immediately decided, the evidence is likely to affect the interests of the parties in the issue of another cause to be tried elsewhere before a decision can be had upon the first, proceedings in the first are staid, till the issue of the second is ascertained. If this was not a received principle in the courts below, (and he pretended not to speak from any thing like professional knowledge, but merely from his respect to the laws, and his idea that they must both in practice and theory be founded in reason and justice,) he was sure it ought to be received as a principle of proceeding in that House. The honourable General, his Lordship observed, had said, a Committee of that House must do their duty, unmindful whether individuals were to be affected by it or not, in any other place. This was very true; but printing the report was a matter that lay with the House, and not with the Committee. It was the act of the former; and it surely became the House not merely to do their duty, but to take care to do it in such a manner, that serious injustice should not be its consequence. All he contended for was, that till the election was over the report ought not to be printed. The report contained imputations against a member of that House, and another gentleman, which those gentlemen had declared they, upon investigation, could clear

clear up. It was a maxim in law, that where parole evidence was given, and where testimony was not taken *viva voce*, a cunning and artful clerk could write it into any shape, or give it any meaning he pleased. The report was written evidence, and it behoved the House to take care that neither the errors of an artful, nor of a negligent clerk, should be allowed to operate to the prejudice of gentlemen unheard in answer to it.

Sir William
James.

Sir *William James* observed, that in the course of what the honourable General had said, he had mentioned to the House as a reason for not bringing the report down sooner, that it was only eight or ten days ago that the Committee had got possession of the altered or obliterated records of the company; lest therefore the House might be impressed with that reason, Sir William called upon the candour of the honourable General to exempt him and Mr. Sullivan from the charge of such alteration being imputable to them.

Gov. John-
stone.

Governor *Johnstone* rose again, and said, he never would admit, that a gentleman, who had for years been concerned and busy in India affairs, because he suddenly declared, he had quitted his connection with the East India Company, was therefore to be considered as an impartial person in a question, the whole management of which had been in his own hands. The *ipse dixit* of his disinterestedness under such circumstances was no argument. On the contrary, the declaration of another honourable gentleman, that the paper which had been withheld, was the worthy General's property, was a proof that the worthy General had been the sole manufacturer of the part of the report complained of. Could he be impartial to his own handy works? Common sense denied the probability. With regard to not printing the report, the Governor said, he had not uttered a syllable in his former speech to that effect. Not to print it, after what had passed, would just do the mischief that had been so much talked of. If the world were to understand that it was not printed for such reasons as had been alledged, the report would acquire all the consideration and importance which did not belong to it. The charge, as he had before declared, was frivolous and nonsensical. Let the worthy General have it printed. Let it go forth to the world, and they would be able to judge of its absurdity. The Governor added several other observations, some of them in ridicule of Mr. Burke's having preached up moderation and temper in one of his speeches in the House the preceding evening, and in the very

next given an example of his doctrine by flying into a passion.

Mr. *Burke* rose again, and again defended the report, Mr. *Burke*. which he said was not founded in *ex parte* evidence, but had been managed in a better manner. He also contended, that the report ought not to be considered as the first mention of Mr. Sullivan's name in a manner not perfectly honourable. The House had done so themselves last year; as a proof that they had, Mr. *Burke* moved, that the five resolutions of the 2d of May last be read.

They were read at the table accordingly.

Mr. *Burke* then added a few words in reply to what had Mr. *Burke*. fallen from Governor Johnstone; and the question was put and carried.

April 2.

On this day it was announced to Parliament that an arrangement was formed, and several writs were moved for. It was several days before the whole was settled *.

Mr.

* The following is a list of the new arrangement:

The Duke of Portland, First Lord of the Treasury.
Lord North and Mr. Fox, Principal Secretaries of State.
Lord John Cavendish, Chancellor of the Exchequer.
Lord Viscount Keppel, First Lord of the Admiralty.
Lord Viscount Stormont, President of the Council.
The Earl of Carlisle, Privy Seal.

The above seven persons to form the Cabinet.

Lord Loughborough, Sir William Henry Ashurst, and Sir Beaumont Hotham, Lords Commissioners for the custody of the Great Seal.

The Earl of Surrey, Frederick Montagu, Esq. and Sir Grey Cooper, Lords of the Treasury.

Hugh Pigot, Esq. Lord Viscount Duncannon, Hon. John Townshend, Sir John Lindsey, William Jolliffe, Esq. and Whitshed Keene, Esq. Lords of the Admiralty.

The Earl of Hertford, Lord Chamberlain.

The Earl of Dartmouth, Lord Steward of the Household.

Right Hon. Charles Greville, Treasurer of the Household.

Lord Viscount Townshend, Master-General of the Ordnance.

John Courtnay, Esq. Surveyor-General of the Ordnance.

Henry Strachey, Esq. Storekeeper of the Ordnance.

William Adam, Esq. Treasurer of the Ordnance.

Hon. Richard Fitzpatrick, Secretary at War.

Edmund Burke, Esq. Pay-master of the Forces.

Charles Townshend, Esq. Treasurer of the Navy.

Mr. Wm.
Pitt.

Mr. *W. Pitt* moved the order of the day on the American trade bill; and as soon as it was read, declared he wished to collect the sense of the House before he made any motion respecting the bill. If the principle of it (which, from the frequent discussion it had undergone, was certainly by this time sufficiently understood) was generally agreed upon to be such a principle as ought to be carried into practice; in that case, considering that the subject of the bill was of the first importance, and of so pressing a nature, that it would admit of as little delay as possible, he should be of opinion, that the House might proceed upon the report of the committee, and so far complete the bill as to determine the essential forms of it. If, on the other hand, the House, or any part of it, were not agreed upon the principle, he should under the present situation think it would avail but little, to proceed, and that any effort of his to mature the bill would be only abusing the patience, and wasting the time of the House; and therefore, should that appear to be the case, he should move that the further consideration of the report be postponed to a future day.

Lord Shef-
field.

Lord *Sheffield* said, he had flattered himself the clause to which he had spoken would have been given up with the same candour as several other very pernicious clauses had been given up, which was the only atonement that could be made for bringing in so ill-imagined and ill-considered a bill. The principle of the clauses appeared likely to be extremely injurious; therefore, his intention was, after he had stated his objections, to move for the re-commitment, and he meant, in the committee,

The Earl of Cholmondeley, Captain of the Yeomen of the Guards.

James Wallace, Esq. Attorney-General.

John Lee, Esq. Solicitor-General.

Lord Foley, Joint Post-master-General.

Richard Brindley Sheridan, Esq. and Richard Burke, Esq. Secretaries to the Treasury.

Hon. Mr. St. John, and Hon. Colonel North, Under Secretaries of State.

The Earl of Sandwich, Ranger and Keeper of St. James's-Park and Hyde-Park.

The Earl of Jersey, Captain of the Band of Pensioners.

Lord Hinchinbrooke, Master of the Buck Hounds.

The Earl of Mansfield, Speaker of the House of Lords.

The Earl of Northington, Lord Lieutenant of Ireland.

Mr. Wyndham, Secretary of State for Ireland.

William Eden, Esq. Joint Vice-Treasurer of Ireland.

committee, to move, that the remaining clauses be left out, and that one or more clauses be inserted in their place, for the purpose of putting the United States of America respectively on the footing of the most favoured nation as to trade; this will be sufficient, till we better know what else is necessary to be done; by this we avoid plunging into difficulties and mischief, the whole extent of which we probably do not yet see, and America cannot complain of a temporary bill on such principles. The supporters of the bill have confessed their doubts and difficulties by the alterations they have made: of the first bill not a single clause remains: of the second there is more new than original; at least this proves the difficulty, and it is by no means fitting, that a bill, certainly of as much consequence, and of as much difficulty as ever came before the House, should be pressed, especially at a time when we had no responsible Minister, at a time when the minds of men were entirely occupied with proceedings and negotiations, which he had flattered, would have sooner given us an Administration. There was no branch of trade, or to any part of the world, that would not be affected by this bill. It will involve us with other countries; only to instance Russia, she by treaty is to be considered as the most favoured nation. Iron from thence pays a duty on importation into this country of 2l. 15s. per ton, while iron from America would be free of all duty. If we do not put both countries on an equal footing, we may sacrifice, for a speculative trade with America, the best trade we have; which is with Russia. The duty on Russia iron produces a very considerable revenue — Can we spare it at present?

The present bill, his Lordship continued to observe, had not had the usual advantages of bills of the kind; it had not been before a committee of commerce, as the standing orders of the House required, but it gave up the whole principle of our trade laws; it gave up the principle of the Navigation act, and the act itself in a great measure; it gave up the only use and advantage of colonies and West India Islands, and for which alone it could be worth while to incur the expence of their protection, that is, the monopoly of their produce and consumption. For what have we been fighting; for what have incurred our enormous debt, but for the exclusive trade of America; by this bill America, now become a foreign state, is to enjoy the West-India trade on better terms than ourselves, and these advantages are given while local

circumstances give many others, which it is our duty to guard against, rather than promote; and not content with giving the property of the loyalists to the rebels by an abominable peace, we are now to give them the trade of the remaining loyal colonies, holding out a premium for rebellion; whereas, if we reserve to our remaining colonies the advantages they are entitled to, the inhabitants of Nantucket and the fishing coast would emigrate to Nova Scotia, and become our subjects for those advantages, and prove the advantages of belonging to Britain. This bill makes it the interest of our merchants to trade under the American flag; every man knows that shipping and every provision necessary for shipping, may be had in America at two-thirds of the expence they can be had here; instead of encouraging the American flag, we should encourage the Americans to sail under our flag, by which means we might acquire power over their sailors. It is the policy of France and Spain not to suffer foreign vessels to trade to their islands and colonies, and it has been the policy of England, but such is the wildness of the times, that we are to give up every thing that was most revered by us; we are to adopt chimeras in the place of maxims and regulations, under which the commerce and navy of this country became so vast as it has been. We are to give up all this and our whole commercial system, without a single reason being assigned for it, except that it is proper to court a speculative trade with America; America knows our folly, she is not to be caught by such silly expedients; we have tried them long enough; she has in every instance treated them with the contempt they deserve. His Lordship added, that he was not of the opinion of those who thought it would be an easy matter to withdraw advantages once given to America. On the contrary, if instead of treating us the most favoured nation, which by the bye, her treaties with France and Holland prevent, she should think proper to treat us as the most abhorred nation, it would not be our policy to withdraw advantages once given; we could not do it, without an entire commercial breach. He wished to keep something to negotiate with. He had an opportunity some days ago, of stating, how the bill would affect Ireland. That kingdom received as a right every advantage she had lately acquired, except the participation of the West India monopoly; for that she was thankful, and in return passed the act, which lays the same duties as Britain on imported

imported sugars and other West-India articles, and lays prohibitory duties on similar articles from foreign islands. By this bill that monopoly would cease; deprived of the advantage, Ireland will think Britain had done away the consideration that induced her to shut her ports against foreign sugars. The Irish act laying prohibitory duties is biennial, and will expire next Christmas, and it is not to be supposed, under these circumstances she would continue it. Her redress will be to take foreign West India goods—at least, she would not think it necessary to charge her own consumption of sugars with higher duties than is required from America—she will expect to have West India goods on as good terms as the American States, now become foreign. West India planters should consider, whether a direct trade to the American States will recompence them for the loss of the Irish consumption, and Parliament should consider what would be the state of smuggling from Ireland into this country, if Ireland should become the depot for foreign West India goods, or of our own, under low duties.

Mr. Pitt rose again, and said, he feared he had been misunderstood; all he meant to have said, was, that if the House was agreed in general upon the principle of the bill, he thought they might proceed with settling and completing the clauses of it in that day, and he rather proposed this, as the necessity of passing some bill upon the subject was generally admitted. If the House were not agreed upon the principle, he should for the reasons he had before stated, forbear pressing the further consideration of the bill then, but approve to postpone it to a future day. As he understood from what the noble Lord had said, that he intended to move for a re-commitment of the bill [Lord Sheffield nodded assent] he felt it would be fruitless to press the further consideration of it under the present situation, and therefore he moved to adjourn it till Monday next, meaning by that motion not to put it out of the reach of those, who were coming into administration, and who might either take it up and complete it, or drop it altogether, and pursue a measure which they thought more like to answer the purpose.

Captain Luttrell agreed with the Chancellor of the Exchequer, and with the noble Lord, that the bill ought to be recommitted, but he would move the adjournment for a longer time, avowing that he wished by that means to get rid of the bill, which he still thought was both an inexpedient

Mr Pitt.

Captain
Luttrell.

dient and unnecessary one, and he was persuaded if passed in its present shape into a law, infinite prejudice would ensue to our navy, as well to the trade of this country, to that of Ireland, and our other home dominions, without benefiting very materially our distant ones; for he had learnt from some very respectable West India merchants, that the stores, provisions and lumber for the supply of the present year, were already sent from Europe, so that no immediate advantage could arise to them from the hasty passing the bill.

The Solicitor General. The *Solicitor General* said, it was universally admitted, that some bill was immediately necessary, and the merchants were extremely clamorous for it, wanting an immediate out-let to their trade with America. To what purpose therefore was it for the House to go on debating from day to day; altering and re-altering, unless they were so far agreed as to some certain principle, that, they could bring their minds to proceed in digesting the clauses of a bill adapted to that principle? The noble Lord had talked of treating the Americans as the most favoured nation; let the noble Lord frame a bill upon that principle, and let the House turn their attention to it; all he wished was, to have some practicable bill passed, and considering the necessity of the case, he conceived the House would never agree to put it off for three months, in a moment when there was not an administration finally settled who would be responsible for the consequences, consequences which he was persuaded the House would repent most seriously, if they did not provide a remedy in time.

Sir Robert Herries.

Sir *Robert Herries* said a few words, and after some trifling altercation, it was settled that the further consideration of the report should be adjourned till Wednesday next.

A conversation took place between the Lord Advocate, Mr. Rigby, General Smith, Mr. Burke, Capt. Rumbold, and Sir Adam Ferguson; in which it was contended on the one hand, by the Advocate, General Smith, and Sir Adam, that the farther consideration of Sir T. Rumbold's bill should be brought forward to-morrow; and on the other hand by Mr. Rigby and Captain Rumbold, that it be postponed to a future day. The argument in support of Mr. Rigby's proposition was, that, as a new administration was formed, and in consequence a number of seats would be vacated, it was but just and fair, that the evidence should have a full hearing, and particularly the parole evidence of Mr. Francis, that

was

was to be given at the bar. Against that proposition it was urged, that the delay already was very great, and that as the business at first would only be to read the written evidence, and Mr. Francis might be examined afterwards, it could not injure the cause, and would advance the business. A considerable time was spent on this subject, and until there was not a sufficient number of members to make a House,

April 3.

This day having been appointed for the farther hearing of evidence on the bill against Sir Thomas Rumbold,

The *Lord Advocate* moved, that counsel be called to the bar to proceed with the bill for inflicting certain pains and penalties on Sir Thomas Rumbold, &c. The Lord Advocate.

Mr. *Roswarne* rose to oppose this, and to argue the propriety and the justice of not proceeding further with the bill during the present situation of that House, but to adjourn it till those members, whose seats had been vacated in consequence of their having accepted the high and important offices of state, were re-elected. Mr. Roswarne.

Mr. *Rigby* expressed a wish, that in the present situation of the House, when not one of the cabinet ministers could sit in it, and when so many members were on the eve of vacating their seats, in consequence of their different appointments, the learned Lord would not press the business for a few days; for if it should go forward in their absence, he did not know how they could, in their judicial capacity, decide upon evidence which they had not heard. He created some laughter, by saying, that in the case of the bill, the presence of Lord Chief Justice North, Lord Chief Justice Fox, and Lord Chief Justice Cavendish, was a matter as important to the defendant as the presence of Lord Chief Mansfield, Mr. Justice Buller, or any other Judge, chief or puisne judge in their own courts in Westminster Hall. Mr. Rigby.

The *Lord Advocate* joked a little at the expence of the cabinet ministers and their friends in their judicial capacity, but the argument of Mr. Rigby would go a great way indeed; for they must wait also for Lord Chief Justice Burke, Lord Chief Justice Montague, and the other Lord Chief Justices, who might have occasion to vacate their seats. The Lord Advocate.

At length, after Sir *Thomas Rumbold* had fairly and candidly stated the great inconvenience the proceeding with the bill with a thin attendance, would be to him, and Sir Adam Ferguson had with equal candour declared he would

Sir Thomas Rumbold.

rest the question wholly on the counsel for Sir Thomas as men of honour, saying, that it would be extremely inconvenient to Sir Thomas if they proceeded now, and Mr. Rigby's having, on the authority of the gentlemen at the bar, declared, that they averred it would, the Lord Advocate consented to adjourn the farther progress, and called on Mr. Rigby to name a day.

Mr. Rigby. Mr. *Rigby* rose again, and named this day se'nnight. Mr. Rigby, in the course of his speech, in which he moved for the adjournment of the farther progress till next Friday, made pretty free with the whole proceeding, and said the House were acting in a capacity partly legislature, and partly judicial, or to state their real situation more truly, they were now acting as the Judge, and might have to do the office of the hangman.

Lord Advocate.

Mr. Rigby was called to order by the *Lord Advocate* for arraigning the conduct of the House, and said, if the bill was liable to that sort of attack, it ought to have been made on the first reading of it, when, if the attack was felt to be founded, the bill ought to have been stopped.

Mr. Rigby. Mr. *Rigby* contended that he was not out of order, but that he, and every other member, had an undoubted right to arraign and censure a bill in any stage of its progress through the House till it had passed.

Mr. Rigby also said, he wished the judgment to be ultimately pronounced, lay wholly in the breasts of the Speaker and the Clerks at the table: they had sat patient'y, and listened to the evidence which had been given *viva voce*, as well as that which was written. He was sure the Speaker had as much wisdom and justice as the House put together, and the Clerks were men of sense, discernment, and integrity.

Mr. Burke. Mr. *Burke* delivered an animated philippic on the general enormity of the conduct of the Company's servants in India, and solemnly declared, that should the charges be made out against the honourable Baronet, he should not be the scape-goat, but that other men, against whom charges of equal weight and blackness were capable of being alledged, should be brought to justice.

Mr. Martin. Mr. *Martin* rose in the course of the debate to remark, that having been grossly misrepresented without doors in regard to what he had said the preceding day, it became necessary for him to take that opportunity of declaring, that he had no interest or prejudice whatever in the cause then under consideration, nor any wish but to do strict and impartial

tial justice. He had been stated to have made an attack the preceeding day on a most respectable profession, that of the bar. The House, he doubted not, would do him the justice to acknowledge, that he had not said one syllable about the lawyers, nor even alluded to them. With regard to the question then before the House, he thought the proposal of the honourable Baronet [Sir Adam Ferguson] perfectly reasonable, and that the honourable gentleman [Mr. Rigby] having authority from the counsel to declare what the House had heard, was a sufficient ground for agreeing to the adjournment proposed.

Mr. Byng and Mr. Rigby going into something like an altercation on points of order, Mr. Montagu rose, and earnestly recommended the House to avoid, with particular care, any thing like heat or loss of temper on the subject; he therefore submitted it to their general consideration, whether it would not be most advisable to agree to the question of adjourning the farther proceeding on the bill to that day se'n-night without more debate.

This proposition was received cordially, and the question being agreed to, the House adjourned.

April 7.

Sir George Yonge moved for leave to bring in a bill to continue the bill for punishing mutiny and desertion in the army, which was agreed to. He afterwards gave notice, that on Wednesday next he would bring forward a proposition relative to the army.

Sir George
Yonge.

April 8.

Mr. W. Pitt, in consequence of the question put yesterday by Sir William Conyngham, gave notice, that on the 7th of May he would submit to the House a proposition for reforming the state of representation in that House: and in order to procure a full attendance of members for the discussion of so important a subject, he moved, that the House be called over on the 6th of May, and that the Speaker do send circular letters to the different High Sheriffs, to warn the members returned from their respective counties, to attend their duty in Parliament on that day.

This motion passed without opposition, and the House adjourned.

April 9.

Mr. Fox.

Mr. Secretary Fox moved, that the farther consideration of the American intercourse bill should be adjourned for three weeks. He observed, that the principal objects of the bill, might be answered by a negotiation, and he never wished to see that introduced into a bill, before the conclusion of a treaty, which ought to be the consequence of a treaty. All that would be necessary for the present, would be to bring in a bill, which should be passed as speedily as possible, to repeal the prohibitory acts, and this he intended to do immediately. He intended also to move, for leave to bring in another bill, for the purpose of removing all the difficulties in the way of our trade with the Americans, occasioned by such clauses of the acts now in force, as rendered bonds, certificates, caskets, and other papers of that nature, necessary, to be produced by ships coming here from America; and thus having cleared away the great impediments, and thereby convinced the Americans of our sincere desire to act with them commercially on the most friendly footing, he had no doubt but the negotiation would speedily come to an issue, and the trade fall naturally into its old course. Mr. Fox said, he was aware, that opinions were entertained, that the prohibitory laws were already virtually repealed by the act of the last Session; or if that were not the case, that his Majesty and his Council had the power of suspending them; both these opinions might have some foundation, but as different sentiments prevailed respecting them, and as it would have a better grace, and be a more handsome mode of proceeding, he should propose to pass a special act for the purpose, which would at once put the matter beyond all possibility of farther question.

Mr. W.
Phil.

Mr. W. Phil said, the necessity of opening an intercourse with America, and that as early as possible, in order to prevent other countries from getting the start of us, and carrying their goods to the American market, sooner than we could, was a matter that must press itself on the conviction of every gentleman. He heartily wished the negotiation in question might answer the object as fully as the honourable gentleman had described; but he owned, when he considered the very great difficulties (many of which he was free to say appeared to him to have been very unnecessarily urged) that had arisen in the way of the bill, he had the honour of having introduced; and when he recollected the vast variety of considerations

necessary

necessary to be adverted to in a permanent commercial treaty, he owned he was not equally sanguine with the honourable gentleman, nor could he think it possible that a treaty so comprehensive in its nature, so multifarious in its objects, and altogether so seriously important, could be brought to a conclusion in so short a space of time as a few weeks. It was from an idea of the great difficulty, and the consequent and unavoidable delay, the bringing such a treaty to issue must be attended with, that he had been induced to think it better to pass a temporary act, adapted to the necessity of the moment, than to wait for the conclusion of a permanent treaty. If, however, the honourable gentleman felt himself warranted to be sanguine in his expectation, (though from what little he knew upon the subject, he could not guess what it was that had authorized such a sort of confidence) and the matter could be adjusted by treaty in so short a time as the honourable gentleman had given the House to expect, he should be extremely pleased for one, and be ready to give his Majesty's Ministers his share of approbation and applause.

Mr. Secretary Fox rose again, and desired to be understood; Mr. Fox he said, he was not sanguine in his expectation from any certain knowledge, of which he was in possession that the treaty of commerce with America would be concluded in a few weeks, but from his hopes, that when the prohibitory acts were repealed, and every difficulty removed voluntarily on our part, America would have nothing to contend for, but would readily agree to put an end to the treaty now in negotiation. With regard to the bill in question, the honourable gentleman would, he doubted not, allow, that if it went on, it would be some time before it could pass, [Mr. Pitt nodded assent]. In that time, it would be ascertained, whether the matter could be concluded better by treaty or not; and if it should appear that it could not, then the present bill, or something like it, might be taken up and compleated; for this reason it was that he had moved to adjourn the bill for three or four weeks, meaning thereby a real postponement, and not to give up the bill altogether.

Mr. Arden said, that having taken a part in supporting the bill, it was necessary for him to say a few words. The right honourable Secretary talked of bringing in two bills, the one for repealing the prohibitory laws; the other for repealing certain clauses of certain statutes respecting bonds, certificates, &c. &c. Was the right honourable Secretary aware, that both those points were within the view of the present bill?

One of them (the repeal of the prohibitory laws) was the immediate aim of the very first clause, the other he believed of the 7th [Mr. Fox said he knew it]. This being the case, Mr. Arden asked, why not go on with the present bill, retaining only the two clauses in question? He also urged the necessity of the Legislature's pronouncing an opinion in what light ships coming to British ports from America, were to be considered. He wished it might not be left for the lawyers and custom-house officers to contest the point hereafter. He had, he said, formed his own opinion, but he should be sorry to declare it; there was a great delicacy in the case, and therefore he wished the Legislature to put the matter beyond all question, and to say in an act of Parliament how American ships were to be treated, whether as foreign ships, as British ships, or as the Americans were treated before their independency. Mr. Arden reasoned upon these points for some time, and strenuously urged the necessity of having the doubt and difficulty, that must otherwise be felt by the custom-house officer removed.

Mr. Fox.

Mr. *Secretary Fox* replied, and stated in a very forcible manner two difficulties that struck him as insurmountable reasons for neither declaring by act of Parliament, that the American ships should be treated as the ships of foreign nations, nor as they had been treated heretofore. If it were declared by statute, that we considered the ships of America as the ships of foreign nations, then every indulgence we granted them by the other bill, which he had mentioned, would be regarded with jealousy by other foreign nations, and the Russians, and every other power with whom we had commercial treaties, would be brought down upon us. On the other hand, he saw an objection to suffering it to be declared by statute, that they should be treated as heretofore, and it was this: he was extremely unwilling, to appear to grant them more by the act, than upon the farther agitating the negotiation it might appear expedient to allow them. In other words, he wished not to give occasion hereafter to recede from our degree of indulgence; which must at all times appear ungracious, and be difficult to manage. For these reasons, Mr. Fox said, though he wished not to be considered as an enemy to the independence of America, nor as in any shape grudging or regretting that circumstance, yet he could not consent to treat them as British subjects, and indeed without, on the one hand, giving offence to other foreign nations, or creating difficulties for ourselves hereafter, on the other,

other, he saw no other mode of considering them at all practicable; and so considering them, he thought it better to let the doubts, started by the learned gentleman near him, remain untouched for the present, than attempted to be cleared away.

Mr. *Eyre* proposed the passing an immediate law to open the trade with America on liberal terms, but with an exception as to the permitting their ships to bring over rum, sugars, and other articles, the produce of the West India Islands. Mr. *Eyre* said, he had good reason to believe America was inclined immediately, on our passing such a law, to pass a similar one, making the advantages reciprocal to both countries. Mr. *Eyre* read the heads of a bill he had drawn for the purpose, which appeared to him to be clear, intelligible, and well-adapted to the occasion.

Mr. *D. Hartley* said a few words in support of Mr. *Fox's* argument, and in order to shew, that it would be more advisable to pass a new bill, than to adopt that already before the House, with a very long and copious title, by no means confined to the single object of repealing the prohibitory laws.

The question was put for adjourning the farther consideration of the intercourse bill, and it was carried without a division.

Mr. *Secretary Fox* then moved for leave to bring in a bill to restore the freedom of commerce with America.

Mr. *D. Hartley* was of opinion, that this would not answer the right honourable member's object; as such a bill would enable us to trade with America; but would not enable America to trade with us; for though under this bill an English ship trading to America would be free from confiscation, yet an American ship on her way to Ostend, would be liable to seizure; and therefore he submitted, whether the word of America, would not be better than the word with America.

Mr. *Secretary Fox* thought both objects would be answered by the word with; however, he withdrew his motion, with an intention to make it again some other day; and the House adjourned.

April 11.

Mr. *Secretary Fox's* bill for repealing the prohibitory acts was referred to a committee of the whole House; but before the Speaker left the chair,

Mr. *Jenkinson* desired to know by what other bill or bills, the present one was to be followed up; for there was not a doubt

doubt but the present bill alone, would of itself be insufficient, and totally inadequate to the end of opening an intercourse with America.

Mr. Fox.

Mr. *Secretary Fox* agreed that this measure alone would be insufficient; he would therefore follow it up with another bill, for repealing the act that imposed a necessity on the ships coming from America, of being provided with certificates from American governors, of giving bonds on clearing out from British ports, and shewing their manifests. He was ready to say, that both these measures put together, would be no otherwise sufficient for opening the intercourse, than inasmuch they would remove preliminary obstacles, without the removal of which, the intercourse could in no wise be restored; a treaty might do the rest.

Mr. W.
Pitt.

Mr. *William Pitt* admitted the necessity of repealing the prohibitory acts, by a special act of Parliament, though he was of opinion that by the recognition of American independence, these acts were virtually repealed, and done away: all therefore he had to say at present was, that he was convinced that the bill then before the House, which in the preamble professed to be for the purpose of opening the intercourse with America, could never answer that purpose.

Mr. Arden.

Mr. *Arden* said a few words, and the House went into the committee, where the blanks in the bill were filled up, without any debate; when the House was resumed,

Governor
Johnstone.

Governor *Johnstone* said he had two questions to put to Ministers, to which he would be very happy to receive answers. News of a very alarming nature had arrived from the East Indies: He had considered every circumstance relating to our affairs in that quarter with the greatest attention; and he was free to say he did not see them in so desperate a state as many did, for he believed that there were means by which they might still be retrieved; but these means he confessed depended on contingences; the news of the peace might be our salvation. The questions therefore that he would put to Ministers were these: had any dispatches been sent by sea to the East Indies, to carry to that part of the world, the news of the peace being concluded? Did Ministers intend to publish any of the accounts lately brought over from India?--- To explain his first question, he said, he did not mean to ask if any dispatches had been sent by land, for he himself knew when the last dispatches by land were sent; nor did he mean to ask if dispatches had been sent by sea in an East Indiaman, for they might almost as well, in point of expedition, be sent

in a dung-cart; but he meant to ask, if a fast sailing vessel had been sent out, to carry to India, the news of the peace. As to the second question, relative to the publishing the last accounts from the Indies, he would not press it on Ministers; they were the best judges how far they ought to be published; but this much he would say, that the public had an undoubted right to have some information on a subject, in which they were so deeply interested.

Mr. Secretary Fox said he would readily answer the questions if he could; but as to the first, he really did not know whether the late Ministers had dispatched a vessel to India with the articles of peace; however, he would not lose a moment to enquire into the matter; and when he should be better informed, he would readily give an answer to the honourable member's question, premising, however, that Ministers undoubtedly ought to have sent the earliest intelligence of the peace to the Indies. As to the publishing of the last accounts from India, he could not as yet give a satisfactory answer; but he would go so far as to say, that so much of dispatches on great public subjects, ought to be published, as should be consistent with public good. This business having ended here, Mr. Secretary Fox moved, "That leave be given to bring in a bill for preventing any manifest, certificate, or other document being required from any ships belonging to the United States of America, arriving from thence at any port in this kingdom; or upon entering or clearing out from any port of this kingdom, for any port within the said United States." A short debate arose upon it.

Sir George Yonge objected to the motion as incomplete, for want of the words "British ships" being inserted in it. Sir George Yonge.

Mr. Secretary Fox said, if upon discussing the bill, the matter stated by the honourable gentleman should appear necessary to be inserted, it might then be done. Mr. Secretary Fox.

Mr. Jenkinson said, the question between him and the right honourable Secretary was not, whether the most advisable way to open an intercourse with America, was by removing all the impediments to that intercourse; that stood upon the statute books? But whether the bill now moved, would fully answer that purpose. Taking away legal impediments to the intercourse, Mr. Jenkinson said, he agreed to be the best, and indeed the only possible way of restoring the trade with America, but he had his doubts, whether the present bill would produce that effect, and if it should be found

found that it did not, he thought it would be extremely wrong to go on with a bill of that kind then, and after the holidays be obliged to bring in another to make up for its deficiencies. Mr. Jenkinson reasoned on this for some time, and said, he meant to speak to the question fairly, for he was ready to admit, that the principle adopted by the right honourable Secretary was a right one. There was, however, a matter of danger in the application of it, which he would mention then; and which must be provided against in the bill; and that was, the danger of leaving such an opening as should afford any vessels assuming the name of American ships to turn smugglers, and convey goods uncustomed into every port in the kingdom.

Mr. Eden.

Mr. *Eden* said, that though the House had undergone many long discussions of the present question, in the course of the last six weeks, there never had existed, nor did there now appear to exist, any difference of opinion, as to the object in view; that object was, to gain by liberal, but prudent measures, as great a share of the American commerce as could be gained, without imminent risk or actual disadvantage to the naval strength of Great Britain. In pursuing that object, the House seemed also to be agreed, as to the propriety of leaving that negotiation for the present, unconfin'd by laws, to the fair exertions of the King's Ministers: and he understood it now to be an admitted principle of policy, rather to found the regulating acts upon the treaty to be concluded, than to anticipate all grounds of treaty by a parliamentary interference, which might indeed bind our own commerce, but could not open or insure any mutuality. Subject to this principle, his right honourable friend had proposed two bills, merely to remove restraints, which in nobody's opinion ought to subsist, whatever might be the event of the negotiation: such a measure, so far as it went, was undoubtedly right; but other gentlemen had justly observed, that a mere repeal of restraints would in some respects do too little, in others too much: it would be found, for example, on referring to the first clause of the navigation act, that unless some farther regulation should be made, the ships of the United States would remain excluded from our port, as being American ships from territories not belonging to his Majesty: in other instances, the mere repeal of restraints would do too much; most expensive frauds and abuses might take place in the whole business of drawbacks and bounties; and again, the whole carrying trade of the

the West Indies, would be opened to the United States ; he could, if it were necessary, state many other circumstances, to shew the necessity of supplying these resulting defects of the measure, by a discretionary power to be lodged in the King and Council, or in the Commissioners of his Majesty's Treasury : but as that necessity seemed to be at length allowed by all sides of the House, he would merely move an amendment to the title of the proposed bill, to authorise his Majesty for a time to be limited, to make such farther regulations as may be proper and expedient.

The amendment was read by the Speaker as follows :
 " And to give to his Majesty, for a time to be limited, certain powers for the better carrying the said purposes into execution."

Mr. *Arden* concurred, and proposed to shorten the title of Mr. *Arden*. the bill, and confine it merely to lodging a discretionary power of regulating for a limited time, with the King and Council.

Mr. *Fox* desired, that the title might be as amended by Mr. *Fox*. Mr. *Eden*, and it passed accordingly.

April 14.

Mr. Speaker acquainted the House, that he received from Lieutenant-General Boyd, the following letter, in return to the thanks of this House, signified to him by Mr. Speaker, in obedience to their commands of the 12th day of December last.

" S I R,

Gibraltar, March 13th, 1783.

" By his Majesty's frigate *Thetis*, which arrived here on the 10th instant, I was honoured with your most polite letter of the 13th December, inclosing a resolution of the House of Commons, in which I am named as an officer of this garrison worthy of their thanks.

" For this, in my estimation one of the noblest testimonials a British officer can receive of his service, I am to beg you would be pleased to offer the most cordial acknowledgements of a worn-out veteran ; who has served fifty-three years, most of that time abroad, and who now only laments that, from the rapid progress of age and infirmities, he cannot hope to be of any farther service to his King and country.

I am, Sir, with great respect,

Your most obedient humble servant,

ROBERT BOYD."

Right Hon. C. W. Cornwall, &c. &c. &c.

The Lord
Advocate.

The *Lord Advocate* moved that counsel should be heard to-morrow on Sir Thomas Rumbold's bill. He at the same time remarked the inattention of gentlemen on the last day, when that business came before them, as there were not present more than thirty-two members. He exculpated Captain Rumbold from any blame in putting off so important a subject, and in the event of which he was so nearly concerned on so thin an appearance. His Lordship expressed a desire that Lord Mahon would postpone his motion for leave to bring in a bill to prevent bribery and corruption at elections, which stood for to-morrow, to some other day, as it would interfere with the business he was just speaking on.

Lord Ma-
hon.

Lord *Mahon* replied, that he believed there would be no opposition given to his bringing in the bill, but if he found it was likely to give rise to debate, it would then be time enough for him to defer his motion.

Lord John
Cavendish.

Lord *John Cavendish* gave notice, that on Wednesday he would open the budget. On being asked, whether he intended to lay both loan and taxes before the House, his Lordship said he would confine himself on Wednesday to the loan.

Governor
Johnstone.

Governor *Johnstone* seeing Mr. Secretary Fox in his place, asked if any dispatch had been sent by sea to India, with an account of the peace.

Mr. Brett.

Mr. *Brett* said, that a few days ago the Crocodile frigate had been dispatched.

The Lord
Advocate.

The *Lord Advocate for Scotland* moved for leave to bring in a bill for the better regulation of the government of India. This motion he prefaced with a speech, in which he opened the plan that he intended to pursue in his bill: he touched on four principal heads: the first was relative to the Government-general of Bengal: here he intended to have a Governor and Council, who should have a controuling power over the inferior governments of India; and to the Governor General he meant to give much greater power than had hitherto been given to persons in that situation; for he would have him vested with power to act even against the will and opinion of the council, whenever he should think that in so doing, he was acting for the public good: but in such a case, as he should have the sole power, so he should have the whole responsibility on himself. The second head he touched on, was relative to the inferior governments: in these he did not mean to give the governors a power to act contrary to the advice of the councils; but he would allow them

them a negative on every proposition till the determination of the Governor General and Council of Bengal should be known. The third head related to the zemindaries, and other tenures of lands. In the year 1573, when Hindostan was conquered by the Moguls, a tribute was imposed on the Zemindars; and while they continued to pay this tribute, they considered themselves as absolute masters of the soil: They let out their zemindaries in parcels to the Ryots at certain rents, and while they performed the conditions of their tenures, they looked upon themselves as secure, as permanent, and as stable as any freehold in England is to its owner. This wise principle obtained till the year 1728, when a very opposite, and very destructive one began to prevail, namely, that the Emperor of Hindostan was the absolute Lord of the soil. This principle he would totally overturn, and introduce another, which should give permanency to the land-holders in their respective tenures. The fourth head was relative to the Rajah of Tanjore, and the Nabob of Arcot: He was sorry to say that there had been pains taken to keep up in the minds of the latter, hopes and expectation of recovering certain territories from the former, to which he pretended to have a claim; and at the same time to fill the mind of the Rajah with fears that he should lose those territories, to which he had an undoubted right under solemn treaties with the Company: upon these hopes and these fears, there were not wanting persons who laid the foundation of their fortunes; but this foundation he would remove, by putting an end to the hopes of the one, and the fears of the other; which should be effected by securing to the Rajah by act of parliament, all he at present was possessed of. He then mentioned the debts of these two Princes, and said that they ought to be minutely enquired into, because though he doubted not but some of them might be just debts, still he was of opinion that the greatest part were the debts of corruption.—He stated the necessity of recalling Mr. Hastings, and making such regulations for the future, as should prevent the court of proprietors from acting in direct opposition to the sense of the Parliament. He would leave a blank for the name of the new Governor General that should be sent out to replace him. He said that a person of high rank and birth, who should leave behind him as a pledge for his good conduct, not only his own personal honour, but also the honour of his ancestors; a person of independent fortune, who had not for

object the repairing of his estate in India, that had long been the nursery of ruined and decayed fortunes; a person who, to the character of Governor, should be enabled, by his profession, to add that of Commander in Chief; a person whose integrity and high reputation in arms, for skill, valour, and œconomy; such a person, he said, would be most proper to fill the high office of Governor. He declared he could have no view whatever in such a nomination, as he had never conversed on the subject with any person, and was totally ignorant who might be appointed, except as to one, and that was too notorious for him not to have a knowledge of it. The late administration, in looking round the kingdom for a fit person to take the supreme government of India upon him, naturally directed their attention to that man, of whom all men, and all parties, were lavish in commendation. A man of family, of fortune, and the most unsullied reputation. A man who to serve his country in the hour of danger, had already been led to quit all the endearments of domestic life, and, deaf to private calls of the tenderest nature, that the heart of man could be assailed by, was unshaken in his purpose of devoting his existence and his cares solely to the public. On the virtues of this man the late ministry built, and justly built all their hopes of the salvation of our dying interests in Asia. Here there was no broken fortune to be mended—here was no avarice to be gratified.—Here was no beggarly mushroom kindred to be provided for—no crew of hungry followers gaping to be gorged—no, but a nobleman was singled out for this business, than whom I challenge, said the Lord Advocate, any man in this House, or out of it, to say, a more fit person in his Majesty's dominions could be found on the occasion—a more fit did I say! I challenge the production even of his equal for the employment. Where will you meet with one who unites in himself so many of those qualities that are absolutely necessary for the important station to which it was in the contemplation of the last ministry to call him. Shew me the man whom health of body and of mind enable to take upon him the supreme command in India, who adds to these requisites a military fame of the first lustre, not only among Britons, but every nation in Europe? Shew me the man whose œconomy and integrity in the discharge of his duty as a Commander in Chief are equally conspicuous? Where is the man whose gentleness of manners so fits him to win the affections of the oppressed East Indians? Where is
the

the man who will be hardy enough to start up in competition with such a character as this, who will at the same time say what (this person) Lord Cornwallis can? "I leave you, as pledges for the propriety of my conduct in India, my own unsported reputation, and the untarnished roll of an illustrious ancestry. I am not a needy upstart adventurer; I have no temptation to quit those honourable paths in which hitherto I have walked. I thank God I am in possession of competence to support my dignity, and have every reason under Heaven to spurn any vile means that might offer to degrade by unjustly enriching me." In a word, continued the Advocate, here, honour, bravery, skill, dignity and every virtue that can adorn public or private life, offers itself to the nation for employment, in now its greatest concern; and if these talents are rejected, the present administration will do a mischief that Britain will rue for ever: India is most critically situated. I hear, indeed, that a peace is concluded with the Marhattas; whether it be true or no I cannot say, but this I know, that the villainy of the government in India had brought about a coalition between the most inveterate enemies that could possibly be conceived—between Hyder Ally and the Marhattas, people who had been continually fighting for years, and committing the most infamous offences against each other—and unless the present ministry have a predilection for coalition-mongers, I trust they will prefer a man of honour and honesty to the supreme command in India, before a man who may have been one of, or shewn any countenance to that government, that has shewn so curious a display of their skill in match-making [the Advocate's speech here caused a great deal of laughter]: He concluded with moving for leave to bring in a bill for the better government of our possessions in India.

Governor *Johnstone* entered into a defence of Mr. Hastings; and instead of being of opinion that he ought to be recalled, he pronounced the highest panegyric on him. He then said that he wondered no account had been received of the particulars of the peace concluded by that gentleman with the Mahrattas; he himself, however, had received a copy of the treaty, which he then held in his hand, and which was sufficient of itself to immortalise that great man; his intelligence was, that the peace had been announced at Madras by the firing of the cannon, and a *feu de joye* by the army: the treaty was too long for him to read to the House, but he would read the ninth article; this stated that the

Governor
Johnstone.

Carnatic

Carnatic should be evacuated by Hyder Ally ; that the Mahrattas and the English should not assist each other's enemies ; and that no European nation, except the English, should be permitted to have a factory in any part of the Mahratta dominions. This treaty was signed in March by Madajee Sindia, on the part of the Mahrattas, who was one of their chiefs, and general of their forces, and who had promised that he would assist in carrying into effect the articles of the treaty : the treaty was ratified at Calcutta, and had been sent to Poona to be ratified by the Ministers of the Mahrattas ; but it being known at Poona that Mr. Hastings was to be recalled, and that the King and Parliament of Great Britain had taken the affairs of India into their own hands, the ratification had been suspended until it should be known whether the King would ratify it. He then stated the immense resources that Mr. Hastings had found out, to feed the war, and the incredible supplies that he had raised ; which could not have failed of success, if France had not made the most astonishing efforts to become masters in India ; for they had spent 7,000,000*l.* sterling in that service ; they had sent out seventeen sail of the line, eleven frigates, and sixteen thousand men ; and, above all, a commander of the most singular and determined character ; for Monsieur de Suffrein, in a correspondence that he had with Sir Edward Hughes, relative to the exchange of prisoners, said, that he would send all his prisoners, not to Bengal, but to Negapatam ; the measure might appear harsh ; but Sir Edward might treat him as harshly, if the fate of war should make him his prisoner ; assuring him at the same time, that he was determined that one of the two squadrons on that coast should be entirely destroyed : such was the determined officer who could alone render abortive the immense exertions of Mr. Hastings.

Sir Henry
Fletcher.

Sir Henry Fletcher said, that it was known that in a correspondence between Sir Eyre Coote and Hyder Ally, the former having mentioned that peace had been signed on the part of the Mahrattas by Madajee Sindia, Hyder said in reply, that the powers under which Madajee had acted were all forged. The peace was signed by that chief in May last ; but in November it had not been ratified by the Ministers at Poona.

Lord North.

Lord North rose principally to answer Governor Johnstone's question relative to dispatches to India. He was not in the House when the Governor asked it. He said that dispatches

patches had been sent over land, others had been sent on board each of the company's ships, and another had been put on board a King's frigate; but from what cause he knew not, she had not yet put to sea. Another dispatch had been sent to Mr. Fitzherbert at Paris, in order that it might be forwarded by the first French ship that should sail for the East Indies. His Lordship replied to the part of the Lord Advocate's argument, wherein he stated the slack attendance of the members of that House, when a matter of such importance was before them. His Lordship averred, that he had attended every day except one, when the business was in agitation, and on that day he was absent on material business, not expecting any thing of consequence to come on in the House; he had however left directions to be sent to, if any thing of importance, that he did not expect, should shew itself; in consequence of this, a letter had been sent after him, which by some means or other was delayed from his hands.

Mr. *Burke* declared himself to be much mortified at all Mr. Burke times when it happened that he was obliged to differ from the learned Lord in opinion. He was as much disposed to pay every tribute of respect to the merits of the noble personage, he had by sundry anecdotes pointed out, as a very fit person to go out to India, with powers of vast extent, but at the same time he was so much of a plebeian as to think that the high post of honour might as well be filled by a man of middling rank in life. Mr. Burke replied to some other parts of the Lord Advocate's speech, from whom he differed in several things. He likewise remarked that the learned Lord was now in opposition to a body of men collectively, to whom he had formerly given, as individuals, his support.

The Lord Advocate rejoined, and Mr. Burke spoke to order.

Mr. Smith, a Director of the East-India Company, rose to explain his reasons for some parts of his conduct as a proprietor of East India stock.

Mr. Fox combated the Lord Advocate's arguments in a most masterly stile of argument, and declared himself at a loss to guess who the learned Lord could mean, when he compared their junction to that of Hyder Ally and the Mah-rattas.

After a conversation between Commodore Johnstone and one or two other members, the question was put, and leave was given to bring in a bill.

April

April 15.

The order for the second reading of the bill to remove, &c. bonds, certificates, cockets, &c. which were necessary to be produced by ships coming from America, and to vest powers in the King and Council, &c. being read,

Lord Sheffield.

Lord *Sheffield* rose, and declared, when the business of opening the trade with America was first agitated, it did not seem to him improper to leave it to negotiation, and in the mean time to give certain powers to the King in council, but he was now so much alarmed by the opinions, principles, and ideas which had been thrown out by those who might have the management of the business, that he could not avoid expressing his doubts and difficulties. The right honourable secretary (Mr. Fox) had distinctly shewn the intention was to consider the subjects of the United States as British subjects for the present, at the same time avowing they should not be put on so good a footing by treaty. His Lordship observed there could be no propriety in putting them for a moment on a better footing than was afterwards intended; once having got such advantageous ground, the difficulty would be to get them from thence; and putting them in that situation, says he, we give every advantage over us in negotiation, and it cannot and will not be their interest to conclude or hasten a commercial treaty, which is to deprive them of the double advantage they derive from being treated as British subjects, and at the same time actually possessed of independence, consequently enjoying greater advantages than ourselves. For his part, he had heard no satisfactory argument against considering them at present as a foreign nation, the natural consequence of their asserting independence. But perceiving how the business was now to be transacted, he was still more alarmed by the disposition shewn two or three days ago, to shake off responsibility, and throw it on Parliament. We are told the treaty shall be laid before us for our approbation; but the mischief will be done, as in the case of the peace; and if the Ministers should prove themselves as incapable of negotiation, and as negligent as their predecessors; it would be poor satisfaction to the country to see another set of men get possession of their lucrative employments. But the Ministers intending, at the convenient time, to shake off responsibility, now, however, were eager to take the whole responsibility on themselves, and did

not

not desire the opinion of Parliament; if the Ministers were wise, if they were not self-sufficient, they would wish the principle to be marked by which they were to be guided. The House seemed ready to point out the line the nation would not go beyond, and there could not be a more proper business for a committee of commerce. He added, that not wishing to depend in so momentous a transaction on the speculative whim of any individual, he was very anxious the House should mark, at least in some degree, the principle on which the negotiation should proceed, and if he found a proper opportunity, he intended to submit some clauses, which were principally intended to act as guardians to the Navigation act. At all events, it would not be improper to let the Ministers know the country expected the principle of the Navigation act should be kept entire; the country was as tenacious of the principle of that act as it possibly could be of the principle of Magna Charta. The Ministers should understand, that the carrying trade must not be given up; they must reserve to our remaining dominions the exclusive trade to the West-India islands, otherwise the only use of them would be lost, they must confine the States respectively to the carrying of their own produce only, otherwise we should have none of the carrying trade. The Navigation act gave us the trade of the world. If we altered that act, by permitting any State to trade with our islands, or by suffering any State to carry into this country any produce but its own, we desert the Navigation act, and sacrifice the marine of England; but if the principle of the Navigation act was properly understood and well followed, the country might still be safe. His Lordship concluded by saying, the treaty should be the test of the abilities and good management of the new Ministers, at least with him, it would decide the degree of confidence he should give them in future. It was the most important subject for negotiation the country had ever known. It was to decide whether we were to be ruined by the independence of America or not. The peace, in comparison, was a trifling object, and if a neglect of one interest more than another deserved impeachment, surely it would be the neglect of this.

Mr. *Jenkinson* objected to the clause giving powers to the crown, unless a proviso should be added to prevent any alteration in the duties to be paid; and also to state that the title of the bill did not entirely correspond with its contents. Mr. Jenkinson.

Governor
Johnstone.

Governor *Johnstone* said, that he had objections to the bill, because he did not see the necessity for giving powers of so large a nature to the King and Council, and he thought it would be more becoming both the duty and wisdom of parliament, to make the regulations which were to be left by this bill to the Cabinet Ministers.

Mr. Fox.

Mr. *Secretary Fox* reminded the House, that he had moved the bill originally for the purpose only of rescinding certain legal restrictions, which, under the present circumstances of the country, could not be complied with; and had admitted the clause, giving powers to the Crown, in deference to what appeared at the time to be the sense of the House.

Mr. Eden.

Mr. *Eden* desired the House to advert to the first clause more particularly than they had yet done, as it would appear that such a clause alone was not sufficient either to regulate, or even to open the trade: that clause exempted ships from the necessity of producing manifests, or certificates; undoubtedly it was so far a right provision, because manifests, which are the vouchers required to be brought from Virginia and Maryland of the quantity of tobacco shipped, can no longer be either asked or given; and certificates, whether taken as returns to the bonds on bounties and drawbacks, or to prove the built and property of the ship, are also impossible to be obtained, because we no longer have officers in the Thirteen States:—but much more remained to be done; the export of teas must be arranged; the question must be decided about the drawbacks, which are at present unfavourable to the colonies; the great question of the aliens duty; the nature and extent of the intercourse with the loyal colonies, and with the West-India islands; and various other doubts; all which were difficult and inexpedient to be decided at the very hour, when a commercial treaty was supposed to be depending: and these considerations had indeed, in the opinions of many gentlemen, a necessity of giving discretionary powers for a limited time to the Crown.

Mr. Hufsey.

Mr. *Hufsey* wished that the Americans might be put on the footing of the most favoured nation, but still he thought that a duty ought to be laid on American oil; he believed that the bill would not give satisfaction to the Americans, who would look upon it as a snare insidiously to entrap them.

Mr. Fox.

Mr. *Fox* said it was impossible that the Americans should be offended at a bill which had no other tendency in the world,

world, than to remove certain obstructions that stood in the way of an intercourse with the United States. The bill that had been postponed for three weeks, would establish regulations; but the present bill went merely to open the way, and had nothing at all to say to regulations.

Governor *Johnstone* disapproved of the idea of giving any extraordinary power to the King and Council; for if a proclamation should be thought necessary; why should not the substance of such proclamation be inserted in the bill? Governor Johnstone.

Mr. *Fox* said; he did not think it very necessary that any new power should be given to the Crown; but he likewise did not think it of any harm. Mr. Fox.

Mr. *Eden*, in answer, desired once more to call to the recollection of his honourable friend, the origin and nature of the power proposed to be vested in the King: it had been generally agreed that there might be much inconvenience, and risque of mischief, in suddenly deciding in Parliament the relative situation of this country, and the United States, as to the future conduct of their commerce. And it had been generally felt, that when a negotiation was depending, it could not be expedient for one of the parties to establish a system separate from that negotiation, and perhaps subversive of it; he himself had originally wished to place America on the footing of the most favoured nation, and to commence the negotiation from that point, but in deference to the sentiments of others, he had not persisted in that wish: Other gentlemen had shewn a disposition to make great concessions to the American trade, but he and many others had resisted such gratuitous sacrifices. If, however, the House was disposed, or if his honourable friend was prepared to bring forward any detailed plan of commerce, he for one would be ready to allot his time and best attention to the discussion of it, and in that case to postpone the clause to which his honourable friend now objected. An order was made, that the bill be committed on Thursday. Mr. Eden.

Lord *Mahon* moved for leave to bring in his bill for preventing expences at elections for members to serve in Parliament. He said he would not say then what the bill was, for when it should be brought in, he would move to have it printed; and then its contents would be sufficiently known; but he would venture to tell the House then, what the bill was not—it was not the same, in many respects, as the bill Lord Mahon.

he brought in last year. The motion passed without any conversation.

The order of the day was then read for the farther bearing evidence in the case of Sir Thomas Rumbold; the counsel were called in; and the House, after having proceeded some time on the business, adjourned.

April 16.

The bill for allowing a drawback on all coals used in the working of the copper mines in the island of Anglesea, was brought in and read the first time, when a motion was made that it be read a second time on the first Monday after the holidays. It was opposed by Sir Francis Basset and others, who wanted farther time, till instructions for counsel could be drawn up, to oppose the bill, on the part of the proprietors of the copper mines in Cornwall and Devonshire. The House divided on the motion, when there appeared for it, 29; against it, 24.

L O A N.

The order of the day for going into a committee of ways and means having been called for and read, the Speaker left the chair, and Mr. Ord having taken the chair of the committee,

Lord John
Cavendish.

Lord *John Cavendish* rose to open the budget. He said, that if ever man in his situation had occasion for the indulgence of the committee, he must be the man, who, before he had been much more than ten days in the office of Chancellor of the Exchequer, was under the necessity of negotiating a great loan: the short time he had been in his office had been wholly devoted to this business. He lamented extremely that there had been occasion for so many loans as the public had been burthened with, and still more, that it should have fallen to his lot to make a bargain for a loan in addition to those already raised; but, since the exigency of affairs, and the situation of the country absolutely required it, he had endeavoured to discharge his duty to the best of his abilities, though he had never passed so fatiguing and laborious a period in his life, still it was not to be expected that he could be now prepared to come with what was called, in the parliamentary phrase, the whole of the budget. To raise the money, settle the terms of the loan, and find out taxes to pay the interest of it, was a work of too great labour

bour for the short time he had been Chancellor of the Exchequer; all therefore that he could submit to the committee on this day was merely the loan. To negotiate the terms of it, he had treated with a set of gentlemen, who were capable to raise the money; but they differed about the terms: the only criterion by which he could be directed, was the market-price of the stocks at the time of concluding the loan; but even that was neither a precise, nor an infallible criterion, because the committee well knew the stockholders, generally speaking, were not all of them persons who depended upon the public annuities for their subsistence, but many of them, perhaps the greater number, held stock merely as a species, and for the purpose of traffick and gambling. The day on which he proposed to close with these gentlemen; the 3 per cent. were at 67, and the 4 per cent. 84; and it was at these prices that he wished to make the loan; but the gentlemen refused to take the 3 per cent. at more than 66, and the 4 per cent. at more than 83: upon this the negotiation was in some measure suspended; but the gentlemen afterwards agreed to what is called on 'Change, splitting the difference, and he closed with them on this ground. He confessed that the bargain was more advantageous to the money lenders than he could have wished; but considering the danger of delaying the loan till after the holidays, he thought it better for the public to conclude the bargain then, on these terms, than to meet all the consequences that might flow from a delay. He wished to have extended the loan to a greater number of bankers than those who had made proposals, in order to avoid the imputation of having served favourites to the exclusion of the trade in general; but they would not consent to it. However he had reserved part of the loan to distribute among the other bankers, giving to the original proposers 7,700,000*l*. Having said this, his Lordship recapitulated the several heads of service already voted, with the amount of each distinct head; and having gone through the enumeration, he stated the gross amount of supply already voted was 16,812,568*l*. 2*s*. 11*d*. a sum which exceeded the amount of the ways and means by several millions. The loan, his Lordship said, was for twelve millions. The bargain as it concluded was as follows:

100 3 per cent. at 66½	-	-	66	10	0
25 4 per cent. at 83½	-	-	20	17	6
13s. 4d. long annuity, 20 years	-	-	13	6	8
Four tickets for each 1000l. valued at 13l.	-	-	1	4	0

101 18 2

To which might be added the discount

1 10 0

103 8 2

Having stated this, his Lordship said, he had spent a very uneasy time between the Friday and the Saturday, fearing, that by endeavouring to obtain better terms for the public, he should eventually put them in a worse situation than they would have been in, had the bargain been concluded on the terms proposed by the money lenders; the bargain, however, being concluded on the Saturday, as he had wished, he was happy to know, that his holding out had proved beneficial. With regard to the distribution of the loan, his Lordship said, the greatest part of it was taken in the lump by the eleven bankers, and others, with whom he had made the bargain; a part of it had been allotted, as usual, to the great public companies, and some had been distributed by himself. The endeavour to find out who were the proper persons to whom it ought to be distributed, had cost him some pains, and that to no purpose, for he said, the more he enquired, the farther he found himself from obtaining knowledge that he could depend upon; all the persons he asked, being so far blinded by prejudices and partialities, that each magnified the importance and responsibility of his own friends, at the expence of those mentioned by others. At last, therefore, he took it wholly upon himself, and however ignorantly or negligently he might have distributed it, he trusted it would turn out that he had distributed it fairly and impartially. His Lordship said, he believed, he had mentioned every thing that was necessary, but in case any gentleman should wish for farther information upon the subject, or have any question to propose to him, he would readily give an answer to it. He concluded with moving a resolution, that, towards raising the supply granted to his Majesty, the sum of twelve millions be raised by annuities; and the farther sum of four hundred and eighty thousand pounds by a lottery, in manner following, that is to say:

That every contributor to the said twelve millions shall, for every one hundred pounds contributed and paid, be entitled

tled to the principal sum of one hundred pounds in annuities, after the rate of three pounds per centum, to commence from the fifth day of January, one thousand seven hundred and eighty-three, and shall be added to and made one joint stock with the three pounds per centum annuities, consolidated by the acts of the twenty-fifth, twenty-eighth, twenty-ninth, thirty-second, and thirty-third years of the reign of his late Majesty King George the Second, and by several subsequent acts, and shall be payable and transferrable at the Bank of England, at the same time, and in the same manner, and subject to the like redemption by Parliament, as the said three pounds per centum consolidated annuities are payable and transferrable there.

That every contributor shall also be entitled to the farther principal sum of twenty-five pounds in annuities, after the rate of four pounds per centum, to commence from the fifth day of April, one thousand seven hundred and eighty-three, and shall be added to and made one joint stock with certain annuities, after the rate of four pounds per centum, which were consolidated by the acts of the twentieth, twenty-first, and twenty-second years of the reign of his present Majesty, and be payable and transferrable at the Bank of England, at the same time, and in the same manner, and subject to the like redemption by Parliament, as the said four pounds per centum consolidated annuities are payable and transferrable there.

That every such contributor shall likewise be entitled to an annuity of thirteen shillings and four-pence per centum, to commence from the fifth day of January, one thousand seven hundred and eighty-three, and to continue for the term of seventy-seven years, and then to cease, over and above the principal sums of one hundred pounds, after the rate of three pounds per centum per annum, and twenty-five pounds after the rate of four pounds per centum per annum, in respect of every one hundred pounds to be contributed and paid towards raising the said sum of twelve millions; which annuity of thirteen shillings and four-pence per centum so to continue for seventy-seven years, shall be added to and made one joint stock with certain annuities, payable at the Bank of England, which were granted for the several terms of ninety-nine, ninety-eight, eighty, and seventy-eight years, and were, by the acts of the fourth, twentieth, and twenty-second years of the reign of his present Majesty consolidated, and made one joint stock of annuities, and shall be paid, payable,

able, and transferrable at the same time, and in the same manner, as the said annuities so consolidated by the acts of the fourth, twentieth, and twenty-second years of the reign of his present Majesty are payable and transferrable at the said Bank of England.

That the several annuities after the rate of three pounds per centum, four pounds per centum, and thirteen shillings and four-pence per centum, so to be payable as aforesaid, shall be charged and chargeable upon, and payable out of, a fund to be established in this session of Parliament for payment thereof, and for which the sinking fund shall be a collateral security.

That every contributor towards raising the said sum of twelve millions shall, for every one thousand pounds, contributed, be entitled to four tickets in a lottery to consist of forty-eight thousand tickets, amounting to four hundred and eighty thousand pounds, upon payment of the farther sum of ten pounds for each ticket, the said four hundred and eighty thousand pounds to be distributed into prizes for the benefit of the proprietors of the fortunate tickets in the said lottery, which shall be paid in money at the Bank of England, to such proprietors, upon demand, as soon after the 1st day of March, one thousand seven hundred and eighty-four, as certificates can be prepared, without any deduction whatsoever.

That every contributor shall, on or before the twenty-fourth day of this instant April, make a deposit of fifteen pounds per centum on such sum as he or she shall choose to subscribe, towards raising the said sum of twelve millions, with the chief Cashier or Cashiers of the Governor and Company of the Bank of England, and also a deposit of fifteen pounds per centum with the said Cashier or Cashiers, in part of the monies to be contributed towards raising the said sum of four hundred and eighty thousand pounds by a lottery, as a security for making the future payments respectively, on or before the days or times hereinafter mentioned; that is to say,

On 12,000,000l. to be raised by annuities.

- 10l. per centum on or before the 30th day of May next.
- 15l. per centum on or before the 27th day of June next.
- 10l. per centum on or before the 29th day of July next.
- 15l. per centum on or before the 29th day of August next.
- 10l. per centum on or before the 26th day of September next.
- 15l. per centum on or before the 31st day of October next.
- 10l. per centum on or before the 5th day of December next.

On

On the lottery for 480,000l.

20l. per centum on or before the 3d day of June next.

25l. per centum on or before the 11th day of July next.

20l. per centum on or before the 9th day of September next.

20l. per centum on or before the 3d day of October next.

That all the monies so to be received by the said chief Cashier or Cashiers of the Governor and Company of the Bank of England, shall be paid into the receipt of the Exchequer, to be applied from time to time to such services as shall then have been voted by this House in this session of Parliament.

That every contributor who shall pay in the whole of his or her contribution money, towards the sum of twelve millions to be contributed for annuities as aforesaid, at any time before the thirtieth day of October next, or on account of his or her share in the said lottery, on or before the eighth day of September next, shall be allowed an interest, by way of discount, after the rate of three pounds per centum per annum on the sum so compleating his or her contribution respectively, to be computed from the day of compleating the same, to the fifth day of December next in regard to the sum to be paid for the said annuities, and to the third day of October next in respect of the sum to be paid on account of the said lottery; and that all such persons as shall make their full payments on the said lottery shall have their tickets delivered to them as soon as they can conveniently be made out.

Mr. *W. Pitt* admitted that very great indulgence was due to the noble Lord, on account of the very short time he had to transact a business of such magnitude, but he begged leave at the same time to say, that though he was as ready as any man to treat the noble Lord with candour, still a loan was a thing of such a nature, that a member of Parliament ought always to look at, and consider it with jealous eyes: on this principle he begged the noble Lord would not think it uncandid in him, if he should deliver his sentiments on the loan, with that freedom which became a member of Parliament, but at the same time with all that respect that was due to a person of the noble Lord's amiable and upright character. He could not agree with the noble Lord, that the market price of stocks on the day when the loan was concluded, ought to be taken as the criterion on which a loan ought to be concluded; it was well known, that even the rumour of a loan would cause a depression, or fall of stock; but there was a wide difference between a real and fictitious fall; and nothing

proved it more clearly than this, that while the loan was depending, the stocks fell; but as soon as the terms got wind, they rose again; and had been done this day (the 3 per cent.) at $67\frac{1}{2}$. It was also well known that time bargains had been made for the beginning of May at $68\frac{1}{2}$ and even at 69; and therefore he could not approve of a bargain that rated the 3 per cent. so low as $66\frac{1}{2}$. From the present price of stock, compared with the terms of the new loan, it would appear on a fair calculation of discount, lottery ticket, &c. that the premium to the money-lenders was a good 6 per cent; a premium much greater than, all circumstances considered, they had any right to expect. There were two modes by which he thought the money lenders might have been induced to subscribe on terms much less disadvantageous to the public. One was to create a competition among the dealers, by procuring different sets of bidders; this competition would of course, redound to the benefit of the public. As a proof of the economical use of setting up a competition, Mr. Pitt mentioned the great savings that had been made for the public by the late Ministry, with regard to contracts, &c. which had not, as heretofore, been given to particular persons as favour or interest directed, but which had been made with the lowest bidder. But if a competition could not be created, then the whole of the loan might be offered to the only set that did bid; and then they probably would consent to take a less profit on a larger capital. This latter mode ought undoubtedly to be preferred by a Minister, for it was an ungracious, and even an improper thing for a Minister to keep to himself the power of parcelling out several millions in a loan; and a House of Commons ought always to look to such a measure with the greatest jealousy, because the distribution might be made to answer the end of corruption, and extending an undue influence, where no influence ought to be felt. He hoped the Committee would not suppose that he entertained the smallest suspicion to the prejudice of the noble Lord; he knew he was incapable of acting intentionally to the injury of the public; but still it was his duty to remind the committee, that danger might be apprehended from a measure that put it in the power of any Minister to keep in his own hand the distribution of a loan that would produce so great a premium or profit, as 240,000*l*. Mr. Pitt argued this point, on which he laid particular stress, with great ability, repeatedly declaring that he did not doubt but that a list sealed up had been delivered into the Bank previous to the loan's being settled, and
every

every other necessary precaution had been taken to defeat and wipe away any surmises that might be entertained. He asked if offers had not been made by very responsible persons, who had conducted the negotiations for the last year's loan to create a competition, and bid against the gentlemen who had treated for the present loan. He also mentioned that a loan at five per cent. would probably have been obtained, if borrowed on condition of redemption at any short-given period of time. This led him to take notice of a declaration which, he said, he had once heard on a similar occasion formerly, viz. that the stock allotted for the loan was merely nominal, and that it mattered not what it was called, since it was to be regarded solely as a perpetual annuity. Such arguments, he deprecated, as exceedingly impolitic and pernicious. If ever it got abroad, that it was the received opinion, that the principal of the national debt was not to be discharged, and that a view to the redemption of the funds was not the main ground of every loan, and seriously entertained and anxiously aimed at, whenever opportunity would admit, the consequences would be fatal. Nothing could be more obvious, than that such doctrines must disenable us from undertaking any future war, and induce the ruin of this country; he therefore was determined never to hear them glanced at, without rising to reprobate them, being resolved to resist the proceeding to borrow money, upon ideas so pregnant with national mischief and ruin, with all the power and abilities that he was master of. After a speech of considerable length, he concluded with repeating his declaration, that a sense of his duty, and not a wish to create obstacles in the way of the important business then under consideration, had impelled him to offer the remarks upon the loan, now proposed, which he had stated to the committee.

Lord *John Cavendish* assured the right honourable member, that his fears arising from the idea that a profit of 240,000l. might be distributed for the purposes of influence, were without foundation: if he had kept any part of the loan from those who had negotiated it with them, it was not for the purpose of giving it to members of Parliament; and when he should have acquainted the honourable member with a few particulars, he made no doubt but he would be satisfied that it could not be distributed with less advantage to the state in any other way. After he had given 7,700,000l. to the gentlemen who had treated with him, he gave 1,300,000l. to the great trading companies; and 94,000l. among the

Lord John
Cavendish.

clerks in the different public offices, which he understood to be conformable to custom, as such a sum was usually distributed among them; of the remaining sum of 2,910,000l. he had distributed 2,200,000 among the other bankers of the city of London, who were not concerned with those who had treated with him. Complaints had been made that former loans had been confined to favorite bankers, by which others had been injured in their trade: in order, therefore, to take away all ground for similar complaints, on the present occasion, he resolved that each house should have a share proportioned to their credit and opulence: and here he could not help paying a just tribute to Messrs. Biddulph and Cox, for whom he intended 80,000l. or 100,000l. but whose name he forgot to set down in the list; but having afterwards recollected his mistake, he sent to them to apologize for his neglect; Mr. Cox, in consequence of this, waited on him, and in the most handsome manner, excused his forgetfulness; and was so polite as to be satisfied with a proposal he then made to Mr. Cox to write to the other bankers, to get them to give back a share of what they had got: his Lordship, writ to them, and they readily gave up a part to Mr. Cox, who by this means got some share in the loan, though a smaller one than he intended to give him. In this manner had been distributed such part of the loan as he had reserved in his own hands; and he would assure the honourable member that not a shilling had been given to men who had not mercantile connexions. From what he had said, the right honourable gentleman would see, that so large a sum, as he had imagined, did not remain in reserve for his distribution. As to what was meant by the term ministerial allotment he was at a loss to imagine. Certain he was no part of the few hundred thousands that remained, had been given for the sake of influence, or with any political view whatever. So far from it, members of Parliament might almost be said to have been proscribed by him, the whole sum having been distributed among mercantile persons. He might have made the distribution ignorantly, he might have done it mistakingly, but whenever the list was seen, and he was sure he had not the smallest objection to its being seen, he was confident it would be found, that it had been distributed impartially. As to the competition which the honourable member wished had been created, he could safely say, he wished it as sincerely as any body; but he had not been able to create it; he wanted to extend the negotiation, to take in other parties, but those who had treated with

with him, would not consent to it; and he was free to say he was not so sanguine as to take for granted, that others who might make offers, would be able to make good their engagements. But the honourable member was of opinion, that if the whole of the loan had been given to those who had treated, they would have consented to better terms for the public; but in this he was mistaken; for he made the proposal to them, and they refused to take the whole of the loan, on condition of taking less profit. The honourable member desired to know if proposals had not been made to him from persons who were desirous to raise a competition, and offer better terms to the public; he would tell him in reply, that he had received a letter indeed on the subject, but it merely recommended, but did not promise a competition.

M. W. Pitt said, he understood an offer was made in writing by the persons who had the loan last year, which offer was not attended to, and which, if it had, might have prevented the shameful and exorbitant premium given at present. He said, he the rather urged this, because he had been informed, from what he conceived to be good authority, that an application in writing had been made on the 7th instant, by four capital money lenders, offering to bid for the loan. He insisted on it, that Ministers ought never to have the distribution of the loan, because it must ever create jealousies that such a power would be abused, and only exerted to influence the conduct of the gentlemen in this House. The loan should always be given to those whose terms were most beneficial to the public; there ought to be no preference shewn to this or that banker, but in so much as his or the other's offer was best. He said the noble Lord, had proved that a reserve of so large a size, as he had imagined, had not been made for ministerial allotment; but that did not affect his objection, which was, that a Minister should have no hand whatever in distributing the loan. The distribution of the smallest possible part of it should have been avoided, and the rather, as by that means he conceived, as he had contended in his former speech, better terms might have been obtained for the public. In reply to the necessity of the noble Lord's steering clear of the charge of having given the loan to a few favoured bankers, *Mr. W. Pitt* said, he thought the most favoured bankers ought to be those who bid most for the advantage of the public, and when any bankers were favoured on such an account, no person of any description had a right to complain. With regard to the term ministerial allotment, he must beg pardon

of the noble Lord, but he could not use any other, so long as he was authorized by the noble Lord's own declaration, to state the sum reserved as a sum distributed by his Lordship.

Lord John
Cavendish.

Lord *John Cavendish* said, he received a letter, and he supposed it to be the letter alluded to, but it only expressed a wish, that there was a competition, it did not propose one. His Lordship argued upon the difficult task a Minister had in such a case to perform. He could listen to no offer, but an offer to take the whole of the loan, or the greatest part of it, and an offer, though it would not be right for him to state his particular reasons for entertaining such an opinion, might to him appear objectionable. He might think a person offering largely, responsible for 100,000*l.* though he might not think him responsible for a million. A variety of different considerations must necessarily be supposed to influence him at such a moment, which he trusted the candour of the House would allow for.

Mr. Martin.

Mr. *Martin* could not, consistently with the character he held in the world, resist the relation of a circumstance with which he was concerned. It was well known, that he had frequently declared his sentiments in that House, against the admission of members of Parliament, to a participation of any loan which Government might have occasion for. Having stated this, he thought himself bound to mention, that the noble Lord who negotiated the loan, had sent to the House with which he was connected, expressing his good opinion of it, and informing his partners, that the house should certainly be considered in the distribution of the loan. An answer to this was sent to the noble Lord, acknowledging his kind intentions, and a farther one promised in the course of a short time afterwards. After he had considered the matter within himself, he had written to the noble Lord upon the subject; and the shortness of the letter was an inducement to him, to read a copy of it to the committee, provided he had leave so to do. Mr. Martin read a copy of his letter, the substance of which was an acknowledgment to the noble Lord at the head of the Exchequer, for the kind attention with which he was pleased to honour the house which Mr. Martin was concerned in, and assuring his Lordship of every sensible impression that it made upon his mind. Mr. Martin, as a member of Parliament, disclaimed all idea of accepting any part of the loan; but by that he did not mean to exclude his partners from any profit they might make, by taking a share of it in the regular course of business. He however called
God

God to witness, that should his partners partake of the loan, he would by no means share any of the advantage of the profits arising whatsoever. After reading the letter, Mr. Martin confessed, that not being used to public speaking, he felt himself in an awkward situation, and claimed the indulgence of the House. He had not risen in opposition to the business that was before the House; he revered the character of the noble Lord, and would to the utmost of his power, support him in such measures as should appear in his judgment right and proper; and on the contrary, he would give the same support to gentlemen on the other side of the House, whenever they stood in as fair a situation. There was one thing which he would do whenever any body should choose to bring the matter forward; he would unite in bringing to punishment the noble Lord in the blue ribband, who had brought this country to the brink of ruin, and hitherto with impunity.

Lord *John Cavendish* rose again to corroborate what Mr. Martin had said, and to state, that in allotting a share of the loan to each of the principal banking houses, he conceived he had merely done an act of justice, and that undoubtedly he expected no return for it, much less a sacrifice of the political principles of any one banker who was a member of that House. Lord John Cavendish.

Mr. *Fox* rose next, and before he entered into the consideration of the terms of the loan, took notice of some things that had been said. The motion which the honourable gentleman, who spoke last but one, had said he would cheerfully support, was a motion not very likely to be made by the gentlemen on the other side, or indeed to be made at all. Mr. *Fox*. gave Mr. Martin credit for having sent a very honourable letter to his noble friend, but declared, that nevertheless the same sum had been given to the House, as had been intended before the letter was written or sent to his noble friend, a pretty strong proof that the promotion of ministerial influence was not the object that dictated and directed his noble friend's conduct, when he, in a manner that spoke his candour and his justice so strongly, determined that the bankers in general should have shares in the loan? With regard to what had fallen from the right honourable gentleman who had so strongly objected to the present loan, he differed a good deal in some of the points laid down by that gentleman, though he agreed in others: that if he was asked whether the present loan, abstracted from all other considerations Mr. Fox.
than

than the mere terms, was a good peace loan, he would answer in the negative; but if all the circumstances attending the negotiation were taken into consideration, then he would contend that the loan was better than might be expected. He then entered into calculations to disprove the assertion of Mr. Pitt, that the premium amounted to six per cent. and he stated it to be at this moment, at 3*l*. 10*s*. 2½*d*.; a premium infinitely greater than it ought to be in peace time; but still he did not think that the public would lose more than 5000*l*. by the bargain; a sum certainly not inconsiderable, but still not worth mentioning, when the committee should consider what inconveniences would flow from the circumstance of delaying the loan till after the holidays. His noble friend had been appointed Chancellor of the Exchequer on the 2d of April, and on the 16th he brings forward his loan. The delay of his predecessor was undoubtedly the cause that the present loan was not far more advantageous to the public; and therefore he was astonished to hear an honourable member find fault with the terms, which if they were bad, were so in consequence of his own delay: the King's speech at the opening of the session was full of promises of the greatest attention to the navy debt, and to future loans; how had these fine promises been fulfilled by the ministers? No loan was made; no plan for making a good one laid down: the exigencies of the state required that the loan should be made speedily; and as they would not brook delay, the terms could not of course, be as good as if the loan had been made sooner: the honourable gentleman had remained in office long after he declared that he would quit it; it was his duty surely either to have made the loan in the mean time, or by his resignation have made room for some other who would have done it: he did not mean to throw blame on the honourable member for staying in; he was not acquainted with his reasons; they might be very good; but he was not a little surprised to hear him find fault with the terms, which must have been better if he himself had made the loan in time, or suffered another to make it a month ago.

He begged leave to remind the right honourable gentleman of the different conduct of the noble Lord who went out of the office of Chancellor of the Exchequer last year. That noble Lord, to the moment immediately previous to his resignation, executed all the duties of the office of Chancellor of the Exchequer. Had the right honourable gentleman
followed

followed the noble Lord's example, a loan on better terms might have been had, and the public would have saved a considerable sum. With regard to what the right honourable gentleman had said of a competition, the loan of the last year had been made in that manner, and he was persuaded, that was a bad method. In the present instance, however, there was no competition to resort to. The bankers had formed such a strong connection, and acted so much in concert, that there was no such thing as getting a set sufficiently opulent or powerful party to oppose the set already connected. With respect to the giving the whole, without reserve to the eleven bankers, who were to have seven millions seven hundred thousand pounds of it, if that circumstance would have got the public a better bargain, he would agree, it should have been so done. But the fact was otherwise. To his knowledge the condition was offered to the bankers, but they would not abate their terms in consequence. So much, therefore, for the right honourable gentleman's two better ways of making a loan. In answer to his valuation of the stocks, Mr. Fox said, he differed from the right honourable gentleman. He allowed, that the bonus, if without the discount, it amounted to 40s. was too much; but he contended, that putting each stock at its highest price, the bonus could not be swelled to more than five pounds, whereas the right honourable gentleman made it six, and then with a degree of fancy and imagination, which by no means ought to be exercised on such a subject as that of a loan, called it a bonus of six or seven per cent. Mr. Fox also said, if his noble friend even had the bonus of three millions to give away, it would only have amounted to 180,000*l.* and not to 240,000*l.* as stated by the right honourable gentleman. After arguing this very closely, and resorting to a variety of calculations and ingenious reasonings upon the doctrines of chance, as to the rise and fall of the price of the funds, Mr. Fox took a kind of side-wind notice of the opposition that had been given elsewhere to the Irish Judicature bill. He said the right honourable gentleman had disappointed him. He had expected that he would have called for the performance of all the notable promises in the King's speech, relative to raising loans in future in such a way, that at the same time that they were raised a fund should be provided for paying them off. It would not have been more extraordinary to have expected the present Ministry to have fulfilled all the

flowery professions and promises of the last, than when they tried to pass a bill of theirs, which they found on coming into office in an advanced parliamentary stage, and about which scarcely any thing had been said, when it was first brought in, for the adherents and supporters of the last Ministry to call upon them to state the reasons upon which the bill had been originally introduced. Having entered into an able discussion of the question of long and short annuities, and contended very strenuously, that the mode adopted by his noble friend of borrowing the money upon an addition to funds already established rather than on new funds, was by far the wisest method, Mr. Fox concluded a very long speech with repeating, that the badness of the present loan was ascribable to the shortness of the time in which it had been made, and that the late Ministry were solely to blame for that circumstance.

Mr. W.
Pitt.

Mr. *W. Pitt* rose in reply to Mr. Secretary Fox, and accounted for his holding the seals of his office after those with whom he had acted had gone out of office, which was merely till a successor should be appointed. He denied that any blame was imputable to him, and said, no attack like that just made should provoke him so far as to put him off his guard, or induce him to deviate, for a moment, from the direct matter in view, viz. a fair discussion of the terms of the present loan, and such a description of its manifest disadvantages as it demanded. With regard to there not having been a competition of bidders for the loan, the right honourable gentleman had gone about to look for words to account for it, and had talked of a concert of bankers; perhaps a word lately become famous, would describe the matter better, and the right honourable secretary might mean, that a coalition of bankers was as necessary as a coalition of Ministers. In respect, however, to the offer of a competition to which he had alluded, he begged the noble Lord to recollect himself, and to say in direct terms whether he had, or had not, received a letter on the 7th of April, signed by four persons of responsibility as monied men, the very four that managed the loan of the last year, offering to take the loan on such terms, that those who bid lower must make a bargain for the public exceedingly advantageous indeed? After putting this question, Mr. Pitt went into a reply to those parts of Mr. Secretary Fox's speech, which particularly alluded to himself. He said, his Ministerial existence was naturally divisible into two parts; negotiation abroad, and negotiation
at

at home. He would speak only to the latter. With regard to the charge of his having kept the seals, after he had declared he no longer considered himself as a Minister, and his not having thought it became him to move a loan at such a moment; the facts undoubtedly were true. Motives of delicacy, that must be obvious to every man, had obliged him to keep the seals under the circumstances described. To the other question he would make no answer; let the committee judge whether he ought to have moved a loan while the country was so situated. He said, he felt little pain from the comparison of his conduct with that of a noble Lord who had resigned the office of Chancellor of the Exchequer last year, when he heard himself charged with not having followed that noble Lord's example. That noble Lord's language had been adopted this day by his colleague in office. The noble Lord had said six weeks ago, that on the 20th of February, 1782, he received a mortal wound, but that he had lingered in office some time longer, and while he so lingered, he had recourse to that expedient that had often before cured wounds apparently mortal, a loan. He certainly had not had recourse to any such expedient, and if he was to blame for not having done so, he was willing to meet the censure due to him on that account. He wondered what his Majesty's speech from the throne, which had been of late so frequently introduced into debate, and that in so *becoming* a manner, had to do with the loan; in order to find the analogy, he desired the clerk might read the part, which the right honourable Secretary thought had any connection with the question before the committee.

The following paragraph of the speech was read:

"I must recommend to you an immediate attention to the great objects of the public receipts and expenditure; and above all, to the state of the public debt. Notwithstanding the great increase of it during the war, it is to be hoped that such regulations may still be established, such savings made, and future loans so conducted, as to promote the means of its gradual redemption by a fixed course of payment."

Mr. Pitt said, the clear meaning of the paragraph just read was, that future loans should be so managed, that a view to redemption should always be a leading feature of them, a characteristic which by no means belonged to the present loan.

Mr. Fox replied at some length, and in particular adverted to the paragraph in the speech. It recommended an im-

mediate attention. Was this, or was this not compulsory on the Ministers? And did it correspond with their continuing in office for several weeks, at a time which required the loan, without taking any one step to that effect? The honourable gentleman was not anxious to imitate the conduct of the noble Lord. Let him recollect what that conduct was: he exerted himself in his last moments to procure for the public the necessary supplies, without making use of it as an expedient; and even opposition gave him credit for his manliness.

Mr. Hussey. Mr. *Hussey* contended, that borrowing the money at five per cent. redeemable in ten years, would have been much the wiser sort of loan. Mr. Hussey entered into an ample discussion of the finances of the country, and the best means of lessening the national debt. He made some reflections on the conduct of Lord North when Chancellor of the Exchequer, and said, he feared when the noble Lord now in that office came to propose his taxes, he would find the means of the country used up.

Mr. Fox. Mr. *Secretary Fox* answered Mr. Hussey, and said, that the short answer to the honourable gentleman was, that no loan upon a plan of five per cent. could be had.

Sir Grey Cooper. Sir *Grey Cooper* rose in defence of Lord North in his absence, [his Lordship had been sent for out of the House during the debate] and in answer to what Mr. Pitt had said of the noble Lord's having resorted to a loan as an expedient after he had received a deadly or a mortal wound as a Minister, desired that right honourable gentleman to recollect that the loan of the last year had been a close loan, and not an open one. That consequently the noble Lord could make no friends by it. Sir Grey desired Mr. Pitt farther to recollect, that Lord North had moved his taxes after it was evident that he must resign, and surely he would not say, that moving unpopular taxes was the best means of securing a continuance in office. He said he did not look at the resources of the country with so much despondency as the honourable gentleman who spoke last but one. The produce of the taxes was constantly improving, and he had no doubt but the country might be recovered, with proper care and exertion. Despondency only begot indolence and inactivity. Sir Grey took notice of Mr. Pitt's sneering himself, and of his endeavouring to raise sneers in others; a conduct which he could not conceive to be either very noble or candid; and

and if the honourable gentleman had not better weapons, he believed he would never be able to give a deep wound to the noble Lord.

Mr. *Dempster* said, he considered the loan made by the *Mr. Demp-*
present Ministers, just as he had before considered the peace *ster.*
made by the last Ministers, viz. as a thing absolutely necessary for the country; and therefore worth accepting, though it might not be so advantageous as under our present situation we had a right to expect. Mr. *Dempster* farther said, our wars were not at an end, though we had concluded the war abroad, and made a peace with those who were our enemies; we had a war to wage at home, a war upon the national debt, which he trusted we should attack with ardour, and continue to combat with perseverance. The best means of reducing the oppressions, and lessening the burthens the country laboured under, were, he said, by making small peace establishments. He therefore declared he would, as far as lay in the power of one man, prevent the voting a large naval or a large army establishment. It was an idle notion, that keeping them up on an expensive scale in time of peace, enabled us to go to war again with energy. He recommended an imitation of the conduct of government during the peace that followed the conclusion of the treaty of Utrecht. A state after an expensive war, in his opinion, like a man after severe labour, ought to lie down and rest. By that means only, could it recover its strength and vigour.

Governor *Johnstone* said, what he had heard that day convinced him that to make a good loan was a most difficult thing. The money lenders were too much for any honest man to deal with. The noble Lord, now Chancellor of the Exchequer, had more integrity and virtue than almost any man he knew, and he was convinced acted upon the purest principles; and yet his loan was as bad a one as ever he had heard proposed in that committee; a proof that the most virtuous man in existence was by no means a match for the money-lenders. *Gov. Johnstone.*

Mr. *Hamet* thought something that had fallen from Lord *Mr. Hamet.*
John Cavendish, might be considered as an impeachment of the character of the banking-house he had a concern in.

Lord *John Cavendish* assured the honourable gentleman he had no such meaning. *Lord J. Cavendish.*

Lord *Mahon* said, only a few millions were wanted for *Ld. Mahon*
immediate service, and therefore Ministers ought to have
made

made a loan for so much only now, and have made another loan for the rest, when better terms could have been obtained.

Mr. Fox. Mr. *Secretary Fox* set the noble Lord right, by stating that the money-lenders would make no loan, unless they were assured at the time, that there was to be no other loan whatever the same year.

Mr. Hussey. Mr. *Hussey* and Mr. Fox entered into an argument *pro* and *con*, on the superior advantage or disadvantage of borrowing at 5 per cent. Mr. Hussey endeavoured to shew that it would be for the advantage of the money-lender: upon which Mr. Fox observed, that he had formerly had a great opinion of the honourable gentleman's knowledge of figures and finance, but he had now a greater than ever, for at six o'clock the honourable gentleman had proved, that borrowing a loan at 5 per cent. was an advantage to the public, whereas at eight the same evening, he made it appear, or at least endeavoured to do so, that it was an advantage to the lender. It was, Mr. Fox said, the first time he had ever heard that a money bargain could be a good thing both for the borrower and the lender. Mr. Hussey resorted to calculation to prove his position, and in the course of what he said, glanced at the loans made by Lord North in the course of his administration, and seeing his Lordship had re-entered the House, repeated what he had said in his absence.

Mr. Martin. Mr. *Martin* desired the noble Lord in the blue ribband would attend his duty in that House as strictly as possible, that gentlemen, who had any thing to say against him, might not be liable to the imputation of having attacked the noble Lord behind his back. Besides, as the noble Lord was to leave them so soon, he wished he might be afforded an opportunity of having a few tender words with him at parting.

Lord North. Lord *North* declared he had been sent for on a sudden on important business that would not admit of delay, or he should not have absented himself from his duty. His Lordship said, he understood he had been attacked, as it was called, in his absence. Whether gentlemen attacked him to his face, or attacked him behind his back, he never should complain, nor had he hitherto. He only wished gentlemen would give him notice, when they meant to be severe upon him. He then would make a point of attending, and take his whipping as patiently as children did; he might whimper a little, but it should leave no malice on his mind. His Lordship

Lordship gave a history of the loans he had made, and said the subscribers were considerable losers by the two first, which made them so unwilling to take low terms for those that followed.

Lord *Mahon* said, the noble Lord had proved that the extravagant terms of the loans made during the latter years of his administration, were all ascribable to the very great ability he had displayed in making the two first bargains. Ld. Mahon.

Mr. *Pitt* and Mr. Secretary *Fox* were up several times more each. In one of his speeches, Mr. *Pitt* said, Mr. *Fox's* reasoning on borrowing money to encrease the capital already owing, rather than with a view of redemption, was the reasoning of a gambler and a gamester, who borrows desperately, without meaning ever to repay the principal. Mr. Pitt.

Mr. Secretary *Fox* replied with great keenness, and declared the reverse of the proposition was the fact; for whether he was or was not to be called a gambler and a gamester for it, he should ever advert to the doctrine of chances, and maintain, that borrowing money on extravagant and disadvantageous terms, from a vain and weak hope to be able soon to discharge that, which there was not the smallest probability of being able to redeem, was much more in the stile of reasoning customarily held by gamblers and gamesters; and the argument on which he should ever hold, and by which he should be ever governed in public loans, was that the redemption being in the option of the borrower, and not in the discretion of the lender, the borrower holds the alternative either of redeeming at a fair price, or of keeping the lender out of his principal. Mr. Fox.

Mr. *Sheridan* stated, that there was no competition of the money lenders at the house of Lord John Cavendish, but that although two or three of the four, who had signed the letter alluded to by Mr. *Pitt* had been there, when Lord John sent them in a proposal of lower terms, than those that had ultimately been closed upon, they had not the virtue to accede to them, nor did they endeavour to persuade the rest to do so. Mr. Sheridan.

Mr. *Rolle* hoped the list of the subscribers would be put on the table, and that it would not appear, that a part of the loan had been given to pay off gambling debts and annuities. Mr. Rolle.

Sir *George Yonge* said, he would the first fit opportunity, move to have the list produced. Sir George Yonge.

Lord

Lord Newhaven. Lord *Newhaven* intimated, that probably he should move, when the report was brought up, for a less sum to be borrowed.

Mr. Ord. Mr. *Ord* thought it his duty to state that such a motion could only be regularly made in the committee, and the noble Lord, if he was serious, had better make his motion then, as such a motion on the report, if carried, would negative the whole of the report.

Mr. W. Pitt. Mr. *W. Pitt* remonstrated on the noble Lord's intention, and said, to carry such an intention into execution, after it had been generally understood, that the loan would not be opposed, would be something very like taking the House by surprise, and would necessarily carry the business over the Easter recess.

Lord Newhaven. Lord *Newhaven* said, he never would take the House by surprise; therefore, if it were contrary to the sense of the House, he would not press his purpose.

At length the resolution passed the committee, and was ordered to be reported.

April 17.

Mr. Speaker acquainted the House, that he had received from General Eliott and Major-General de la Motte the following letters, in return to the thanks of this House, signified to them by Mr. Speaker, in obedience to their commands of the 12th day of December last.

"S I R,

Gibraltar, March 18, 1783.

"I must intreat you to accept our grateful acknowledgements for the high satisfaction you are pleased to express in your letter of the 13th December, 1782, received on the 11th instant by the *Thetis* frigate, transmitting, in obedience to the commands of the House, the two unanimous resolutions respecting all who have served in the defence of Gibraltar.

"I have delivered to Lieutenant-General Boyd, Major-General de la Motte, and Major-General Green, the several inclosures addressed to them; and I have also communicated the resolutions of the House to the whole garrison.

"We, the officers, are highly sensible of the honour conferred on us; the sailors and soldiers, I am confident, will receive the honour done them with every demonstration of gratitude

gratitude and joy, as soon as it can be declared to them in suitable military form.

I have the honour to be, Sir,

Your most obedient, and most humble servant,

"G. A. ELIOTT."

Right Hon. Charles Wolfran Cornwall, &c. &c. &c.

"S I R,

Gibraltar, March 18, 1783.

"I have the honour to acknowledge the receipt of your letter of 13th December last, together with a resolution of the House of Commons, ordering the thanks of that House to be given to Lieutenant-General Boyd, Major-General de la Motte, Major-General Green, chief engineer, to Sir Roger Curtis, and to the officers, soldiers, and sailors, lately employed in the defence of Gibraltar.

"I beg you will be pleased, Sir, to inform the House, that, for my part, I have the highest sense of the great honour the House of Commons of Great Britain has bestowed upon me by their resolution.

"I return you my particular thanks, Sir, for the very polite manner in which you have been pleased to communicate to me the said resolution; and have the honour to be, with the greatest respect, Sir,

Your most obedient and most humble servant,

"A. DE LA MOTTE."

The Right Honourable C. W. Cornwall,
Speaker to the House of Commons.

Mr. Ord brought up the report from the committee of ways and means; the resolutions were read once, and when the clerk was reading the second time, Mr. Ord.

Mr. Whitbread rose, and made a speech against the terms of the loan, blaming the Chancellor of the Exchequer and his colleagues, for keeping three millions from the persons with whom they made the loan, that they might have it in their power to parcel so much of it out among their friends; he blamed also the terms of the loan, saying that had it been put up to public auction, he was sure that it might have been obtained for at least one per cent. less than it would now cost the public; that as it was, it was taking half a million of money from the public, and giving it as a premium to the lenders, in a time of peace, and when there was not Mr. Whitbread.

the smallest occasion for it. It appeared to him, that the same bad use would be made of it, as of the loan of last year, which members of the present administration had censured with so much freedom and justice. He said, he really had hoped and expected better things from them, and had entertained an idea of their good faith and abilities, but was sorry to find his mistake by their first manœuvre. Did they mean thus to recommend themselves to the favour of the public? He believed the kingdom at large would execrate this waste of their money. He hoped it was not yet too late for them to re-consider the business, and to save their own credit, and the public treasure. He took this opportunity, he said, to deliver his sentiments, as he had not been present yesterday when the budget was opened. No answer was made to Mr. Whitbread, and the report was agreed to without any farther opposition.

Mr. Rolle. Mr. Rolle moved for a copy of the list of subscribers to the new loan.

Mr. Fred. Montagu. Mr. Frederick Montagu rose to second the motion.

Lord John Cavendish. Lord John Cavendish said, the list when presented, would explain who the persons were to whom he had given any part of the loan. That as to the persons in public offices, mentioned by him in his speech in the committee, he alluded to the clerks in the Bank and in the Treasury, who as they had some trouble with the extraordinary business thrown upon them in consequence of the loan, had customarily been each allowed a trifling share of it.

Mr. Sheridan. Mr. Sheridan said he was glad to see the motion seconded from the Treasury bench; if it had not been seconded by any one else, he himself would have done it with a great deal of pleasure; and though it might be imagined from the situation he held, that he knew something of the persons to whom the loan had been parcelled out, he could assure the honourable mover of the question, that the list could not be a greater novelty to any man in that House than it would be to him; for knowing the character and disposition of the noble Lord at the head of the Exchequer, he did not venture so much as to recommend a single person to him for a share in the loan. What peculiarly rendered the present motion a matter agreeable to his mind, was the recollection of the many indirect insinuations that might create a suspicion in the minds of the public, which had been at different times, and by different speakers, thrown out in the course of the debate of the preceding day. Insinuations and surmises whispered with an affected caution, and hinted by halves, he

he observed, often did more towards imposing conviction on the minds of the credulous than the most direct charge could effect. In the debate in the committee, more than one speaker had chosen to talk of the possibility of the present loan having been distributed unfairly, with a view to the exertion of parliamentary influence, or with a design to answer purposes of a less political, but of a more pernicious nature. The right honourable gentleman in particular, who had stood forth so conspicuously as the leader of the opposition against the loan, had in his first speech talked in general terms of the impropriety of a reserve for ministerial allotment, and in his subsequent speeches had said, "if the noble Lord would say, he alone made the distribution, and if it had been solely the act of the noble Lord," with other expressions of a sort that tended to convey a suspicion of the improper interference of other persons; it could not therefore but give him the most solid satisfaction to hear a motion for a paper, which must necessarily carry with it incontrovertible evidence of the truth, and which of course would serve completely to acquit not only the noble Lord at the head of the Exchequer, but every other person about the Treasury. With regard to the speech just delivered by an honourable gentleman, Mr. Sheridan said, he could only conceive from the many exceeding harsh expressions used by the honourable gentleman that he had been absent from the House the preceding day. Had not that been the case, the honourable gentleman certainly would have had too much candour, to have stated charges of so reprehensible a nature in express terms, upon grounds that had been, as he trusted the House would allow, most amply and satisfactorily explained and refuted, in the course of the debate in the committee. Before he sat down, if he might be permitted so much egotism, in defence of himself, and in exculpation of his character, as a person, who very unworthily stood in that sort of connection with the Treasury, which rendered him liable to suspicion, he would take the liberty of assuring the House in the most solemn manner, that he had neither directly nor indirectly interfered, in regard to the present loan. The motion passed without any opposition.

The order of the day being read, for the House to resolve itself into a committee of the whole House on the report of the committee on the petition that had been presented by the East India Company.

Sir Henry Fletcher rose, and having generally stated the situation of the Company, moved, "That leave be given

Sir Henry
Fletcher.

to bring in a bill to indemnify the East India Company from all losses in respect to their making regular payment of certain sums due to the public, and to allow farther time for such payment, and to enable the East India Company to borrow a certain sum, and to make a dividend of 4l. per cent. to the proprietors at Midsummer 1783."

Gen. Smith. General *Smith* replied, and said, he felt himself embarrassed between the first part of the motion and the second; that, upon the whole, he could not withhold his assent, but that he reserved his sentiments till the bill, to bring in which leave was now moved, was in the proper stage to admit of discussion.

Governor Johnstone. Governor *Johnstone* said, that the honourable general was not perfectly consistent in his conduct, in stating that the Company had a claim to the 400,000l. taken from them by government; and yet talking of withholding his assent from an act allowing them to borrow 500,000l. The Governor said, the Company had been worse used by Parliament than ever subjects of that country had experienced. The terrors of Parliament had been repeatedly held over them to enforce oppression and injustice.

Mr. Dempster. Mr. *Dempster* spoke upon the question, and General Smith and Sir Henry Fletcher, each spoke a second time, At length the motion was agreed to.

Adjourned to the 23d,

April 23.

Mr. Sheridan. Mr. *Sheridan* brought in a bill, founded on the resolutions of the committee of ways and means, for raising 12,000,000l. by a loan. The bill was read the first time without any opposition. The bill for taking away the necessity of American ships being furnished with manifests, certificates, &c. was sent to a committee. Mr. St. John in the chair.

Sir Robert Herries. Sir *Robert Herries* stated two grounds of difficulty that the law would establish; as the law stood, there was a necessity for all ships, as well British as foreign, to be furnished with bills of lading or clearances; nay, it was not the law of this country only, but of all the world, for the purpose of preventing smuggling and contraband trade; but if the present bill should pass into a law, there would be a door opened to the smugglers of all nations to come into our ports, under the denomination of Americans; and smuggling, which so many laws had been made to restrain, would in fact be established by

by law, if the present bill should pass. He would suggest therefore the propriety of placing the Americans in this respect on the same footing with all other nations, and not free them from restrictions to which even British subjects were liable. He supposed a case where this country might be ruined by freeing the Americans from the necessity of shewing any documents on their arrival in the ports of Great Britain: if, for instance, the plague was raging in any part of the Thirteen United States, the present bill would not leave in the government a power to insist on the production of bills of health, by American ships, or to compel them to perform quarantine. These were difficulties which ought to be obviated; and he made no doubt but he should find a readiness in Ministers to provide against them.

Mr. Fox observed, that whoever imagined the bill had for object the establishment of any commercial connection between this country and America, was mistaken; its only object was to remove certain obstacles that stood in the way of an intercourse; the regulations would be brought forward in a proper time; and he could inform the honourable member, that there was a clause in the bill, for granting certain powers to the Crown, that would obviate any difficulty that might arise from the realising of a supposition, that the plague should be raging in America. Had the late ministry been so good, in their adjustment of the provisional treaty, as to have inserted some one article or other that had a reference to a future treaty of commerce between America and Great Britain, they would have not only done their country a very essential piece of service, but have saved the present Government, and both Houses of Parliament an infinite deal of trouble, and relieved them from a difficulty, which, in every point of view that it could be considered, would be found to be of great magnitude. Had the late Ministry, for instance, not only by their treaty agreed, that a cessation of hostilities should take place, in the strict and common sense of the words, viz. by the armies of the two countries no longer continuing to fight, or make war on each other, but in a more general acceptation of the term, and a more extensive sense of it, namely, that from and after the ratification of the provisional treaty, all sorts of hostilities should cease, and that the prohibitory laws that impeded the commerce of the two countries should no longer have effect on either side, in that case undoubtedly there would have been little or no occasion for the present bill. As the last Administration, however, had not

not been kind enough in their treaty of peace with America, to have made the provision necessary to prevent the embarrassment the country now felt, it became the duty of his Majesty's present servants to apply the best and most speedy remedy that the nature of the case would admit; and as he did not doubt but that every gentleman saw the necessity of immediately opening an intercourse with America, they would join with him in thinking, that if they were to look to every possible case, that might arise, (such as the case of a plague breaking out in any of the thirteen Provinces, which, though it came within the scale of possibility, was not very much within that of probability, at least, if the shortness of the time, for which the present bill was intended to operate and have effect, was considered) instead of embracing the object of the bill without delay, they would scarcely ever be able to attain it.

Mr. Arden. Mr. *Arden* was anxious that the House should be cautious how they trusted too great a power to the Crown; and he wished that the bill was so worded, as that the extent of this power might be marked out, and defined. He remarked, that it was undoubtedly necessary, in the particular case in question, to give very extensive powers to the Crown; but it appeared to him to be by far the wisest way to express in the bill, the full extent of the powers so vested in the Crown, in order that gentlemen might not at a future period say, that when they voted for the bill, they were not aware that they gave, and that they never meant to give, powers to such an extent. Mr. Arden, after urging the necessity of this in strong terms, proposed to insert the words "duties, drawbacks, or otherwise," in the clause under consideration.

Mr. Eden. Mr. *Eden* was of opinion, that the power could not be well defined, unless it were possible, which, in his opinion, it was not, to foresee every possible difficulty that might occur in making regulations on so nice a point, as the intercourse between this country and America; but some extent of power was necessary; for at this moment, as the law stands, an American ship could not enter a British port, even supposing that the prohibitory acts, and those which impose the necessity of being furnished with manifests, &c. were no longer in existence; for there were other laws that declared that all American commodities, shall be imported into this kingdom, in British bottoms only; and that American ships should not bring into this country any commodity, not the produce of America: therefore until the negotiation, by which
proper

proper commercial regulations should be concluded, there was, in his opinion, a necessity for vesting in the Crown certain general powers, that might apply to any possible difficulty.

Mr. *Arden* said, that the great object of the bill, as far as *Mr. Arden.* he could understand, was to enable the Crown to settle and regulate the duties that the American commodities should pay in this country; and if so, he saw no reason why this special power should not be expressed in the bill. He wished to leave as little to construction and interpretation as he could; he would therefore have the bill speak out; and that it might not be hereafter said that powers had been exercised, which one half of the House never meant to give; as was the case in the act for enabling his Majesty to make peace with America; upon which he had heard a construction had been put, that was sufficient to make an honest man's hair stand erect; for some were of opinion, that by virtue of this act, the King might have made any bargain with America, so far even as to stipulate, that they should pay no duties at all; and this opinion might in some measure be countenanced by law: for if the question were to be agitated, "Whether the Americans are, in law, British subjects or not?" he would not hesitate, as a lawyer, to say that they are, if they themselves should think proper to call themselves so; or to claim the privilege of subjects in this country: this question would raise difficulties in the point relative to aliens or natives duties.

Governor *Johnstone* wished that gentlemen would think *Governor Johnstone.* as he did on one particular point. He was always of opinion, that taxation and legislation were two very distinct things. By the vote of that House he conceived money was granted to the Crown; the bills brought in, in consequence of that vote, were acts of legislation quite distinct from taxation, and ought to be considered merely as regulations for enforcing the collection of the taxes imposed. This distinction ought not to be lost sight of in the present instance, where there was an intention to vest in the Crown a power of regulating the collection of a revenue which was to arise from taxes imposed on commodities imported into the kingdom.

Mr. *Fox* did not wish that there should be any mention *Mr. Fox.* made of a power to be granted to the Crown of imposing duties; not because he was afraid that it would be abused; but merely for the sake of decency, as it was a power that Parliament ought never to part with, except in cases of the great-

est necessity : he was sorry that such a necessity at present existed, from the impossibility of providing for every case which it was impossible to foresee : had those who made the provisional treaty with America, made commercial regulations with the American commissioners, which should take place at the conclusion of the war, this necessity had never existed.

Mr. Arden. Mr. *Arden* at last moved for the insertion of a clause to declare, that the power to be vested in the Crown by the bill, should last for six weeks from the day that the bill should pass into a law.—This motion passed ; and the House was refused.

Lord Newhaven.

Lord *Newhaven* expressed his surprise that the minutes of the Treasury Board, relative to the dismissal of two principal clerks from the Pay Office, had not been laid before the House, though they had been moved for several days ago by an honourable member—The Speaker informed the noble Lord, that, though the honourable member alluded to had expressed an intention to move for such minutes, yet he never made any motion on the subject.

Mr. Fox.

Mr. *Fox* said there was no minute in the Treasury of the dismissal of the gentlemen alluded to ; it was a transaction of the Pay Office.

Lord Newhaven.

Lord *Newhaven* was surprised at this, as he had heard the late Chancellor of the Exchequer say in his place, that a minute had been taken on the subject by the Board of Treasury.

Mr. Fox.

Mr. *Fox* said the Treasury had taken a minute of an examination of the two officers alluded to, but not of a dismissal, which lay in the department of the Paymaster-general : but there could not be the least objection in the world, to the production of this minute, such as it was.

Mr F. Montagu.

Mr. *Frederic Montagu* requested the noble Lord would defer the motion a few days, until he could see the minute, and so describe it to him, as that the motion should clearly point it out ; at present he did not know how to word the motion, so as to describe the minute.

Lord *Newhaven* complied with the request.

The following paper was laid upon the table :

A. 1783.

D E B A T E S.

627

*Bank of England, April 23, 1783.**A List of the Persons who have subscribed to the Loan of Twelve Millions, specifying the Sums subscribed for by each Person.*

			£.
Thomas Harley	_____	_____	700000
R. Ladbroke	_____	_____	700000
Rob. Dent	_____	_____	700000
Thomas Coutts	_____	_____	700000
Rich. Walpole	_____	_____	700000
Robert and Henry Drummond and Co.	_____	_____	700000
Edward Payne	_____	_____	700000
Richard Stone	_____	_____	700000
Thornton, Cornwall, and Co.	_____	_____	700000
Robert Snow	_____	_____	700000
Gurnell, Hoare, Harman, and Co.	_____	_____	700000
The Gov. and Comp. of the Bank of England	_____	_____	400000
The Directors of the East-India Company	_____	_____	300000
The Directors of the London Assurance	_____	_____	150000
The Directors of the Royal-Exchange Assurance	_____	_____	100000
The South-Sea Company	_____	_____	200000
Richard Neave	_____	_____	150000
William Ewer	_____	_____	130000
Thomas Hankey and Co.	_____	_____	100000
Prescotts, Grotes, and Co.	_____	_____	100000
Lefevres, Curries, and Co.	_____	_____	100000
Boldero, Barnston, Carter, and Co.	_____	_____	100000
Boldero, Kendall, Occley, and Co.	_____	_____	100000
Lee, Ayton, and Co.	_____	_____	100000
Barclay, Bevan, and Co.	_____	_____	100000
Castell, Powell, and Co.	_____	_____	100000
Langston, Polhill, and Co.	_____	_____	100000
Crofts, Devaynes, and Co.	_____	_____	100000
Rob. and F. Gosling	_____	_____	100000
Batson, Stephenson, and Hoggart	_____	_____	100000
Sir William Lemon and Co.	_____	_____	80000
Lowe, Vere, and Williams	_____	_____	60000
Sir T. Halifax and Co.	_____	_____	60000
Richard Fuller, Sons, and Co.	_____	_____	60000
Moorhouse, Willis, and Co.	_____	_____	60000
Sir James Esdaile and Co.	_____	_____	60000
Sir Robert Herries and Co.	_____	_____	40000
Everitt and Drummond	_____	_____	40000
Samuel Smith and Son	_____	_____	40000

Vol. IX.

4 N

Sir

			£.
Sir Charles Asgill and Co.	—	—	40000
William Fuller, Son, and Co.	—	—	40000
Anthony Wright and Son	—	—	30000
Dorrien, Mellow, and Martin	—	—	40000
Birch, Chambers, and Co.	—	—	30000
Pybus, Dorsett, and Co.	—	—	30000
Mildred, Masterman, and Co.	—	—	30000
Staples, Baron T. Dimsdale, and Co.	—	—	30000
Wickenden, Moffatt, and Co.	—	—	30000
Welch, Rogers, and Co.	—	—	30000
Ransom, Morland, and Co.	—	—	30000
Forbes and Gregory	—	—	50000
John Nesbitt	—	—	50000
Leslie Grove and Co.	—	—	40000
Wilkinson and Gordon	—	—	60000
Messrs. Beckford and Co.	—	—	50000
Peter Thellouffon	—	—	30000
Peter Caussen	—	—	30000
Alexander Baxter	—	—	25000
Messrs. Fludyers, Maitland, and Co.	—	—	25000
Thomas Wilkinson	—	—	25000
Simon Fraser	—	—	25000
Amyand and Osborne	—	—	25000
Sir John Hennikar	—	—	25000
Stratford Canning	—	—	15000
Rofs and Mill	—	—	10000
William Speer	—	—	8000
John M. Leake	—	—	8000
Thomas Cotton	—	—	8000
James Reyer	—	—	8000
Bryan Broughton	—	—	8000
George Ramus	—	—	8000
William Mitford	—	—	8000
Francis Dancer	—	—	8000
Edward Boughton	—	—	3000
George Herbert	—	—	3000
Henry Fowler	—	—	3000
William Pembroke	—	—	3000
William Beldam	—	—	3000
Samuel Remnant	—	—	3000
Matthew Winter	—	—	2000
John Rosier	—	—	5000
Abraham Newland	—	—	10000

Thomas

A. 1783.

D E B A T E S.

649

Thomas Thompson	_____	_____	£. 5000
Edward Gillyatt	_____	_____	3000
James Bourdieu	_____	_____	30000
Thomas Torr	_____	_____	2000
Robert Aslett	_____	_____	2000
John Spintler	_____	_____	2000
Joseph Richards	_____	_____	2000
Giles Collins	_____	_____	2000
Timothy Leach	_____	_____	2000
William Johnson	_____	_____	2000
John Payne	_____	_____	5000
William Edwards	_____	_____	4000
Francis Martin	_____	_____	4000
William Gardner	_____	_____	2000
Thomas Ormes	_____	_____	2000
William Lander	_____	_____	2000
John Rogers	_____	_____	4000
Thomas Millington	_____	_____	1000
Thomas Pemberton	_____	_____	1000
William Slann	_____	_____	1000
William Edward Smith	_____	_____	3000
Joseph Pearson	_____	_____	1000
Milward Rowe	_____	_____	6000
Anthony Todd	_____	_____	10000
Drusiria and Co.	_____	_____	5000
Simmond and Hankey	_____	_____	30000
Herman Berens	_____	_____	10000
Samuel Hartley	_____	_____	10000
Alexander Aubert	_____	_____	6000
John and Simon Halliday	_____	_____	60000

£ 12000000

A. NEWLAND, Chief Cashier.

April 24.

Lord Newhaven moved for a copy of the minute of the Board of Treasury, of the 22d of February, relative to the examination of Messrs. Powell and Dembridge. The motion was agreed to without opposition, and the House adjourned.

April 25.

L O A N.

The order of the day being read for the House to go into a committee on the bill for raising a certain sum by way of Annuities and by a Lottery, Mr. Ord took the chair.

Sir Edward
Aftley.

Sir *Edward Aftley* rose directly, and reprobated the idea of a lottery, as exceedingly dangerous for the lower class of people, they always being sure to gamble. He then entered into the various modes of adventuring in the lottery, but not being much conversant in the business, he went only from hearsay.

Lord John
Cavendish.

Lord *John Cavendish* assured the honourable Baronet that no person was more against a lottery than himself; but whilst the necessity of the state called for a large sum of money, it was found the most expedient to raise a part by way of lottery, as the cheapest to the public; and if the money-lenders had not the benefit arising from lottery tickets, they would insist on other terms far more disadvantageous to the public. With respect to the lottery being ruinous, on account of the pernicious inducement to gamble, the honourable Baronet undoubtedly was right, but it had been found impossible to prevent gambling; for when there was no English lottery, the people would gamble in an Irish, a Dutch, or a French lottery; and such regulations had been taken last year as, in a great measure, prevented the lower class from gambling, and the greatest care would be taken this year to render the act as secure as possible.

Mr. Smith.

Mr. *Smith* (partner in the banking-house of Smith and Payne) rose next, and expressed a great veneration for the character of the noble Lord at the head of the finances, but could not help shewing his disappointment at not having a part of the loan. The noble Lord had, he said, put down the banking-house of Smith and Payne among a variety of other bankers, as fit persons to be applied to on the business; but the noble Lord, when he came to make the distribution, totally forgot that house; and, if he was not misinformed, had been heard to give as a reason for so doing, that the house of Smith and Payne, in former loans, had made a very improper use of the part they had given them, and materially hurt the business of other bankers; if that really was the noble Lord's meaning for leaving the house, of which he was a partner, out of the loan, he was misinformed, for he had frequently

frequently rejected, with scorn and contempt, the offer of many persons who came to deposit money with him on condition of being favoured with a part of the loan. He perfectly forgave the noble Lord of any intention to injure the house of Smith and Payne; but certainly he had been misinformed. So far from the charge being true, it was groundless in every respect; in the first place, his house had not any share of the loan of the last year, nor was it capable of the conduct it was supposed to have practised. He never had asked for part of a loan, and he was certain the reason assigned by the noble Lord for striking the name of his house out of the list was not more injurious to him than it was false and groundless. As soon as he heard of the reason, he had thought it incumbent upon him to apply to the noble Lord to enquire into the truth of the report, and to learn who was the original author of the calumny. The noble Lord at the head of his Majesty's Exchequer had allowed, that he had heard such a report, but refused to tell him from whence he heard it; he had no other means therefore of justifying himself and the character of the house in which he was concerned, than by thus publicly stating the whole of the case, and declaring, as he did upon his honour, that the charge was in every respect untrue; and having done so, he left it to the feelings of the noble Lord to point out what reparation could be made to men of business, for an injury wholly unprovoked, and wholly unmerited; he added, that what rendered it a more marked injury was, that the noble Lord had in that House expressly declared, he reserved upwards of three millions of the loan to make an equal distribution of it amidst such of the bankers as were not among the eleven who took so large a share of it. This being the case, and his house being the only one in London totally excluded from any share of it, a sort of stigma, of a very disagreeable nature, was fixed upon it, and it was attended with the greater degree of unpleasantness, from the very injurious and false reason alledged in justification of such a peculiar exception. Mr. Smith having stated this point very fully, went into a consideration of the loan itself, which he thought by no means so advantageous on the part of the nation as it might have been. He said, he meant not in any the smallest degree to impute an undue motive to the noble Lord who had proposed it; he had been in the habit of thinking upon political subjects very much with that noble Lord; he was convinced of his great integrity, and satisfied that he meant to

do what was perfectly upright and perfectly unexceptionable; but the noble Lord appeared to him, in the conduct of the present loan, rather to have considered it as the duty of a Chancellor of the Exchequer to make an impartial distribution of a boon, than to be careful in the first instance, to make the best bargain for the public that could be had. What induced him so to regard the noble Lord's conduct, with respect to the loan, Mr. Smith said, was the little attention the noble Lord had paid to the hints given him by the four gentlemen who took the last year's loan, and their offer of a competition. He was present when the letter was written, and that letter contained the best advice that men experienced in the business of loans could give; the four gentlemen strongly recommended a division of the money-lenders into sets of persons sufficiently responsible to take the whole of the loan, and declared that they, as one set, would take the loan among them on such terms, that if they were outbid, the loan should be a very cheap one to the public indeed. He was confident that had the noble Lord made use of the information, and gone by the rules prescribed in that letter, a far better loan might have been made, and a saving of 600,000*l.* to the public have been gained; for now the loan bore a premium of eight and a quarter per cent.

Ed. John
Cavendish.

Lord *John Cavendish* assured the honourable gentleman, that he had not the least intention to cast any slur on the House of which he was a partner; but undoubtedly in the course of his negotiation, conversing with different men of the same profession, he had heard a number of insinuations thrown out; and it was what was always the case, that people, in the same way of business were jealous of each other, and frequently made use of ill-natured expressions; however, he had paid no respect to those insinuations, and the sole reason of the honourable gentleman being left out of the loan was, not knowing but he was connected with the other banking-houses, in which the name of Smith was part of the firm; he had understood, that a House in which there was the same name, had used the loan as an instrument of influencing customers, and as he thought that a very improper mode of conduct, he had endeavoured to prevent it in respect to the present loan. But he had not till then known, what the honourable gentleman had now stated, viz. that he had not any share of the last loan. It was clear therefore, that he had made a mistake, and had been misled in a particular,

ticular, regarding which he could have no private motive to act either one way or the other. As to the letter in question, if he recollected rightly, he had received it only three days before it was necessary to conclude the bargain; but not expecting it would ever become the subject of discussion, he had not taken particular notice of the fact. He thought, however, it came to his sight only on the Wednesday preceding the Saturday on which the loan was agreed for. It certainly advised a competition, and mentioned four names as one set; but how was he to get other persons to form themselves into sets, who were willing to oppose monied men of so much power and authority? He had endeavoured to do the best he could, and on the Friday, when the bargain broke off about a trifle, a 6d. of the long annuity, or something of that nature, two, if not three of the four persons, who had sent him the letter, alluded to by the honourable gentleman, were present, and yet they offered not then to come forward. His Lordship said, other means of borrowing the money were resorted to after Friday, and in consequence of a change in the price of stocks on the Saturday, somewhat a better bargain was made for the public. Had a competition been at first within his reach, and the whole of the loan had been taken, it would have saved him an infinite deal of trouble, and prevented his passing the most unpleasant and irksome fortnight he had ever known in his life. With respect to the terms of it being too high, he must recur to the arguments he used on a former day, the exigencies of the state, and the shortness of time. If a better bargain could be made for the public in so short a space as he had been in office, he admitted he was liable to be blamed; but as he was convinced more advantageous terms, considering all circumstances, could not be procured, he should ever defend the measure.

Mr. Smith rose again, and said he trusted the candour of the noble Lord would allow, that there was an essential distinction between four gentlemen offering to take the loan on lower terms than others, when they were to have all of it themselves, than when they heard propositions in a mingled company, and knew not how much was to be allotted them, and knew at the same time, that a reserve was to be still made for ministerial distribution. When the whole of the loan was in a few hands, it was in their power to bring it gradually to market, and to dispose of it by degrees; when

Mr. Smith.
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it

it was to be divided among many, it was not safe for them to risque near so much as when they had the whole of it.

Mr. Fox.

Mr. *Secretary Fox* said, he frequently found, that gentlemen complained of the present loan; but he had not seen any person point out who would have taken it on better terms for the public: Therefore, until some person would start up and inform the House, that better terms were offered, he could by no means think his noble friend any way to blame. Much had been said of making the loan by way of competition, and it was curious to observe, that the four persons who recommended the loan to be made in that manner, had offered to find the people that were to bid against them: Surely the committee must see what the result of such a competition as that would have been. If the three gentlemen of the four who wrote the letter, mentioned by the noble Lord to be present when the bargain was concluded, had the good of the nation so much at heart, how came it that they did not offer better terms? But so exceedingly reverse was their conduct, that they absolutely refused to agree to any other terms than those the loan was concluded on. The noble Lord wished them to agree at 12s. 6d. long annuities; they wanted 15s. at last his Lordship agreed to give them 13s which they refused to take, and the bargain was broke off. His Lordship was afterwards compelled to allow 13s. 4d. as the lowest terms they would accept, and that his noble friend would not agree to until the last moment, when he could stay no longer.

The right honourable Secretary argued, that it was unfair to estimate the loan at eight per cent. because stocks were now so as to make it bear that premium. Would any gentleman assert, that the stocks would have been at that price if the loan had been deferred until the present time? certainly they would not; the persons who were to lend the money perfectly knew what was wanted, and did, as they always will do, depress the stocks on purpose.

A very material difference between the present loan and former loans, was owing to its being concluded on four days before it was debated; for that gave time for the holders of the loan to raise the stocks; but had it been as former loans, debated immediately, its opponents would not have had such an opportunity to reprobate it, although the terms would have been exactly the same. And he must once more refer the committee to what he had so frequently mentioned in a former debate, that it was extremely indecent to lay the blame

blame on the noble Lord, when the necessity of the state was such, owing to the last ministry staying in the time they did, that if the loan had not been concluded on when it was, the worst of consequences must have ensued.

In reply to Mr. Smith's declaration, that the letter sent by the four gentlemen, who had conducted the last year's loan, "contained the best advice, that men experienced in the business of loans could give," he said, that the letter contained no offer of a competition farther, than the offer of four men, (the most powerful among the money lenders) proposing to become one set of bidders. Had his noble friend fallen in with such a proposal, he would have put himself completely and irretrievably within the power of the four, or, at most, of one or two sets of bidders; in which case there would have been little probability of a better bargain being obtained for the public. Mr. Fox reasoned upon this, and put it very strongly.

Mr. Pitt rose, and reminded the committee, that the hints Mr. Pitt. he threw out of a competition being offered, were not ill-founded. He went into a short train of reasoning, respecting the conduct of the noble Lord, who proposed the loan, and in reply to what had been said, by Lord John and Mr. Fox, relative to lower terms not having been proposed, when three out of four of the gentlemen who had made the competition were present; he said, undoubtedly as his honourable friend had stated, there was an essential distinction between four persons treating separately by themselves for the whole of the loan, and treating for it when mingled with others. In regard to their not offering to take it on lower terms, in his opinion that argument placed the Chancellor of the Exchequer in directly an inverse situation, and rather went to prove, that it was his duty to receive lower terms, than he was willing, on his own part, to give, than that it was his duty to make the bargain on the lowest possible terms that could be obtained. For money-lenders, when they knew they could have advantageous terms to come forward of themselves, and offer to take lower, would certainly be very honourable in them, but he believed that House did not give money-lenders credit for having quite so much generosity. He insisted, that it was a strange kind of doctrine, that all the fault of the loan was owing to the hurry in which it was compelled to be made. He wished the right honourable Secretary to declare openly, whether he meant to consider him as responsible for all the ill-consequences

quences that might arise from the hurry in which the loan was made; if he did, he would be ready to meet the charge, and desired that it might be made under two separate heads; first, who was the cause of the country being reduced to the deplorable state it was in; and, secondly, whether his continuing in office the time he did was the sole cause why, better terms could not have been procured.

Mr. Fox.

Mr. *Secretary Fox* replied, that he had no objection to such enquiry being entered into, though he did not see it would answer any good end. He did not positively fix the blame of the loan being so bad, wholly on the honourable gentleman, but undoubtedly the persons with whom he acted having left the Treasury without a shilling in it, and money being wanted the latter end of April, it was high time that the noble Lord should close some bargain when he did; for allowing the business to go through the House with all possible dispatch, it would be the first or second of May before the present bill could pass. The fact was not, that the money lenders were certain of advantageous terms, when lower were sent out to them; diametrically the reverse: the bargain was broke off entirely and completely for that night, nor were the terms then demanded ever given.

Mr. Wm.
Pitt.

Mr. *W. Pitt* said, he had not stated, that the fact was, that the money-lenders were certain of better terms, when they were expected to have offered lower; he could not suppose that the noble Lord at the head of the Exchequer would have acted in a manner so childish; he had only contended, that the sort of argument resorted to as a reason for not agreeing to divide the money-lenders into sets, and make a competition, amounted to something equally absurd with what he had stated. Mr. Pitt said, if the great point of defence on which the present Administration were to rest their excuse for the badness of the loan, was to be the hurry in which it was made, and that the hurry was by insinuation to be suggested as a matter imputable to him; he did desire the right honourable gentleman would speak out, and make the charge in direct terms, and not by insinuation merely. He was ready to join issue upon the question of who it was, that by their conduct had forced the country into the state of difficulty and distress, that rendered an improvident loan in any degree justifiable. The question must necessarily resolve itself into two points, either that he had neglected to discharge his duty, and that he ought, under the peculiar circumstances of the country, to have brought forward the loan

loan while in office, and that he was chargeable with criminality for not having done it, or that it was utterly impossible for a Loan to be made with any advantage to the country during the unsettled state of affairs, and that he would have been highly to blame, had he attempted it: which of these two points it was that ought to be considered as the true state of the case, he would leave it to the candour and feelings of the House to determine.

Mr. Fox rose again, and said, as often as the badness of Mr. Fox. present loan was objected to, so often, whether the honourable gentleman liked it or disliked it, would he state the fact, that it was not imputable to the present administration, but to the hurry in which it was made. With regard to the reasons that had induced the late administration to stay in till the last moment, he could not argue upon them, because he did not know them; he did not, therefore, charge the honourable gentleman, nor any body else, with criminality for their conduct, because possibly the honourable gentleman and others, might have very good reasons for it, but he would leave it to the candour, to the justice, to the honour, and to the common sense of every man, who heard him, whether it was not manifest, that the extreme hurry and difficulty, under which the loan had been made by his noble friend, was in a great measure to be considered as the reason, why the terms of it were not better. If that was not the case, all the argument on the idea that the last administration occasioned that hurry, fell to the ground; but that being the case, it was fair for him to state, that the honourable gentleman's staying in office till the last, the very last day, as it were, before a loan must be made, was more the cause of its being a bad loan, than any want of endeavours of his noble friend to make a better. Mr. Fox said, as he was talking of a bad loan, it put him in mind of the peace, for it occurred to him, that the same cause occasioned the badness of both, viz. their being obliged to be made by a certain day. The loan, the committee knew must be made before Easter, and the peace must be made by the meeting of Parliament; the hurry in which both were made, had rendered each like every thing done in a hurry liable to much objection.

Mr. Arden disapproved of the method of late years prac- Mr. Arden. tised in making the loan, and used several illustrations to prove that a better way could be found out, and carried into execution. He complimented Lord John Cavendish in very high terms on his personal integrity, declaring that he had

rather trust his Lordship in a money transaction, than any other man living. Mr. Arden then went into an argument, to shew that the mode of making the loan that had been adopted on the present occasion was a bad one, and declared, he hoped it was not to be held out, as the mode to be pursued in future. Reserving part of the loan for ministerial distribution, though he had no suspicion in the present instance, was liable to great abuse. He enlarged upon this considerably, and said, a Chancellor of the Exchequer could not possibly of his own knowledge decide who were and who were not fit persons to have a share of the loan; he must consequently receive his information from others, and those others from interest, from prejudice, or from some one improper motive or other might deceive and mislead him. Mr. Arden professed himself an advocate for making a loan by competition.

Lord John
Cavendish.

Lord *John Cavendish* said, he had, in making the present loan, studiously avoided any imputation of partiality to his friends; and, among the numerous plans he received, there was not, on the nicest calculation, one quarter per cent. difference. He had endeavoured to steer clear of what, in the city, is called the Whitehall committee, and divided the loan among the bankers at large; he found it was impossible to please, and he had now totally precluded all his old friends, and, apparently, made no new ones; had he given the loan to his own acquaintance, they would have had gratitude enough to have thanked him, but now he precluded himself from their praise, and those he had served, condemned him for his generosity. He said, his only reason for reserving a part of the loan, was to meet the clamour raised the last year, on the ground, that some bankers were favoured more than others, and that it became a matter of serious oppression and hardship to the trade for some to have a part of the loan, and others not to have any. He was afraid the present complaints against the loan did not proceed from a virtuous jealousy of too much of it having found its way within those walls, but from a very contrary idea. He declared he began to think he had acted foolishly in distributing it with so much rigour, and that had he been less scrupulous about it, he should have been better supported.

Mr. Smith.

Mr. *Smith* desired, as the best answer to what had fallen from the right honourable Secretary, to be permitted to read the letter from the four gentlemen who conducted the last loan, which had been sent to Lord John Cavendish on the

7th of April, and had been so much talked of, as well in the debate of the loan that had taken place on Wednesday the 16th instant as in the course of the conversation that had just been had in the committee.

The letter was then read. It began with stating, "that the four gentlemen, who conducted the last year's loan, thought it their duty to submit to the consideration of Lord John Cavendish, some thoughts which their experience in such matters suggested, to assist in procuring the loan for the public, upon the most reasonable terms that the circumstances of the times would admit.

With respect to the species of funds in which the operation should be made, The proposal stated, that it had ever been found so difficult to guard against practices upon the funds pitched upon, and an artificial depression of the prices previous to a loan, that it earnestly recommended to Lord John Cavendish to keep his determination in that respect within his own mind, till the very moment of making the bargain. That the value of any new species of fund was speculative, and consequently an operation therein would be hazardous, without producing any good consequences to balance such hazard. That in existing funds the weight would be least felt in the largest, but upon every experience it appeared proper, that so large a loan as the present must be, should be divided among several of the existing funds, and that three or four branches might bear the load without losing much of their due proportion to the other stocks, when any of them would sink under it.

A lottery, the letter writers remarked, afforded no doubt a clear profit to the State, but in proportion to such loans as the present, they said it was a very inconsiderable one, and did infinite mischief among the lower orders of the people.

With respect to modes of conducting a loan, they observed:

That an open subscription obliged Government to dictate the terms, should the terms be rather too hard upon the subscriber, the subscription would easily be run down to a discount, the first payment would not be made, and public credit would thereby be essentially endangered. To guard against this, the terms must be liberal, and it would be difficult in that case to shew in Parliament that a better bargain might not have been made.

That to receive applications from a multitude of individuals, and to divide the subscription among them, threw upon Government the very invidious task of discriminating characters,

characters, situations in life, &c. and let this be done however ably and impartially, undue motives would be imputed to the Minister who did it, and he would find he had dis-obliged more than he had obliged. This mode also partook in a considerable degree of the inconveniences of an open subscription, because the whole body of subscribers could not possibly be assembled to treat about the terms.

Another mode of making a loan, the letter stated to be that of convening and assembling a limited number (suppose twenty or thirty) of the most considerable bankers and merchants of all parties, no way connected with one another, and to offer them the whole among them, provided terms could be agreed upon. Upon this the writers observed, that if they were left to divide the sum among themselves, they would never agree about it; it would therefore be necessary to divide it equally. If time was given them to consider what proposal to make, it might be expected that the funds would instantly be practised upon, and that the individuals having done so, would set their faces against every plan but that which coincided with their own operations, and throw the whole into confusion, rather than not accomplish their own purpose. If when thus assembled, they were called upon to make an immediate proposal upon the species of funds then pointed out to them, the Minister would put himself greatly in their power, and be almost obliged to agree with them whether he quite approved of their terms or not; for if he protracted the negotiation the stocks would be practised upon, and having thus united all the principal applicants in one body, it would not be easy for him to find any set of men hardy enough to undertake the loan on terms which they had rejected, although there would still be left people enough to say that an undue preference had been given to those twenty or thirty persons, to the exclusion of others who ought not to have been excluded, and who would have undertaken the loan cheaper if they had been afforded an opportunity.

In the last year's loan, the letter writers remarked, that the competition of a number of bankers had led to a mode by far the safest and most eligible. If two or more sets of men were called upon, each set to make a proposal for the whole loan, and all the proposals were received before any of them were opened, and the lowest proposal accepted, the Minister, would stand clear of every imputation of partiality, and would by competition (which alone could ascertain the point) be enabled to prove that he had obtained the best bargain

gain for the public that could be had. In that case it would be wholly immaterial to Government, who, or how many persons joined in each offer, care being taken that no set of men were called upon to make an offer who might not fairly be thought equal to the undertaking. Should this mode be adopted, it might be intimated to the persons thought of, as heads of lists, to class themselves according to their own pleasure, into one or more bodies, each to propose for the whole loan. If they happened to divide into several bodies, so much the better; but the gentlemen who conducted the last loan would at any rate secure to government the great point that there should be a competition, by making a proposal independent of every other, and such a one as should, if out-bid, leave the public cheaply served indeed!

Supposing different sets of subscribers, convened in order to an immediate treaty, the matter to be bargained for, the letter-writers stated would be much simplified, by fixing before-hand all the branches of the subscription except one. Taking last year's loan for an example, Government might on that occasion to each set of subscribers have said, "there shall be a lottery on the common terms; and for every 100l. subscribed, there shall be given 100l. three per cent. consols. and 50l. four per cent. consols. and the remainder of the consideration shall be made up in long annuity. Quere, therefore, how much long annuity does each set demand?" By arranging the proposal in some such way as this, the business would be much shortened; and there could be no reason why any of the sets called upon should not give in their answer upon the spot, by which means stock-jobbing, and the imputation of it, would be, as far as it was possible, avoided.

Mr. Byng defended the loan, and insisted that the noble Lord was drove to such a necessity, by the shortness of the time, that had he staid any longer, the terms must have been much worse, the public knowing the state of affairs. He entered very fully into the nature of the last loan, and severely censured the late Ministry for not making a loan, when the 3 per cents. were at 70; that should have been their time, and they were highly culpable for delaying the business as they had done. He said, he had done, with respect to the present loan, what he had done with respect to former loans—made it his business to enquire, if the money could, or could not, be had upon better terms, and he found that it could not. Mr. Byng declared, if there were any complaints

complaints about the loan, he had been so much in the habit of searching after them, that they naturally found their way to his ears [the House laughed]; he reminded gentlemen of what had been his conduct respecting the loan of last year, and stated his having gone to the bankers, and endeavoured to persuade them to take the loan at a saving of 1 per cent. to the public, rather than give 4 per cent. to those, who were to have the loan as a monopoly, but his endeavours proved fruitless. Reasoning upon the disadvantageous terms of the present loan, he declared the fault lay with those who had gone out of office, and not with those who had but just come in. He reminded the honourable gentleman, who was lately Chancellor of the Exchequer, that a sufficient part of the army could not be disbanded for want of money to pay them off with, and of other difficulties, to which the Government had been reduced in consequence of the loan's not having been made sooner.

Lord Mahon.

Lord *Mahon* reprobated the terms of the loan, and referred to his old argument, that if the necessity of the state was such as to require some money immediately, it would have been more prudent to have borrowed only three millions at first, and nine millions after. He reasoned upon this in answer to Mr. Fox's objection of the other day, (that the money-lenders would not bargain for one loan, if it were to be followed by another) and said, it was true if a loan of eight millions was to be made first, and a loan of four more afterwards; but it was by no means the case, when four millions only were to be first borrowed, and the eight millions last. His Lordship went into Mr. Hufsey's argument of the good effect of raising the money upon a five per cent. stock, and contended, that it would raise the 3 per cents. Lord Mahon charged Mr. Fox with not having understood his former argument.

Mr. Montagu.

Mr. *Montagu* appealed to the Chairman whether it was not the first time he ever remembered to have heard the loan bill debated in a committee? and he was much surprised he owned to hear it opposed by those who in a great measure had been instrumental in its being so bad as it was. Government could not go on without money: the money-lenders were aware of this, and, no doubt, made their advantage of it. He would not impute it to any persons, that the fault of all this lay with them; much less would he impute it, where he wished never to see imputation rest; while the fact was undeniable that the loan was obliged to be made

in a hurry, and under circumstances of peculiar difficulty, in candour, and in fairness, those facts ought to have their weight in the minds of the committee.

Mr. *Wilberforce* was against the loan, and supported the doctrine of Mr. Smith, that the cause of the rise on last year's loan was owing to Lord North going out of administration; and the reason why they had not fallen now that he was in, was, that the public now were not so alarmed at his being in, as it was not in his power to do so much mischief as he formerly could. Mr. Wilberforce,

Lord *North* observed that it was a strange way of arguing, that his going out of office could raise the stocks, for certainly if that was allowed, his coming into office must naturally make them fall; therefore the noble Lord (Cavendish) was extremely right in closing the bargain when he did. Ld. North,

Those who wished to oppose the loan, found it invulnerable, he said; therefore, they had recourse to turn their malice to him, which they were extremely welcome to do; and as the stocks had risen on his going out, so they had likewise risen on the late Ministry being removed; consequently both ought to shake hands; and if there was any merit in raising the stocks, he begged the honour might be divided. His Lordship stated the fallacy of Lord Mahon's argument, and entered very fully into the nature of the different funds, declaring that he always found that a much better loan could be concluded on in the three and four per cents. than in the five per cents. With regard to a double loan, his Lordship said, it was an extreme bad mode of raising money, for the expectation of the second loan would always keep the stocks low; but if two loans were thought of for this year, how happened it, that the first was delayed so long? Those who had thought of two, should surely have proposed the first in January or February at farthest. His Lordship put this very pointedly, and stated that Lord Mahon's argument (if he understood it rightly) was weak and impracticable.

Mr. *W. Pitt* rose once more to declare, that he must decline the invitation to shake hands made by the noble Lord with so much good humour, because he thought the two cases mentioned extremely distinct and different. Having stated why he thought so, Mr. Pitt said, the charge of his having neglected to make the loan was carried much farther than it ought to have been. Let gentlemen remember he had not totally forsaken the duties of his office previous to his resignation; Mr. W. Pitt.

nation; he had moved for a million of Exchequer bills, which he had, at the time, thought would have been sufficient to answer the exigences of Government till a new administration was formed. With regard to his not making a loan when the three per cents were at 70, was it totally forgot that menaces had been thrown out against the administration of which he had the honour to be an unworthy member, and that the House, had been urged to watch them narrowly, to suffer no loan to be attempted, no mutiny bill for the discipline and controul of the army to be passed, nor any measure that looked like a permanency of administration, because a coalition had just been formed in order to seize upon the Government. Let these circumstances be considered, and let it then be said, whether he was or was not to blame for not having a loan. Mr. Pitt complimented Mr. Montagu on his candour, and apologized for the part he had taken in the debate, by stating in what manner it had commenced, and what had particularly called him up. He declared he had delivered his sentiments dispassionately and candidly.

In reply to Mr. Fox's remark, that the peace was like the loan, a matter of hurry, and obliged to be made by a certain day, Mr. W. Pitt desired to have it remembered, that so far from the right honourable gentleman's observation being founded, the House had heard the last administration called on again and again for the peace, and as often obliged to make excuses for its delay; the hurry therefore had evidently been with those who were clamorous for hearing that it was made, and not with those who were exerting themselves to effect a pacification.

Mr. Pitt, also in answer to what Lord North had said, in reply to Lord Mahon's scheme of dividing the loan into two parts, acknowledged that the noble Lord's reasoning as to double loans being a bad mode of borrowing money, and that the expectation of the second loan would lower the stocks, and greatly prejudice the first loan, was all true, considered as a general argument, but that it by no means applied in the present case, since his noble friend had only stated a division of the loan into two parts as a matter, which the peculiar nature of the situation of the country pointed out as advisable and proper.

Mr. Fox.

Mr. Fox rose to take notice of the expression of the honourable gentleman, that a coalition had been formed to seize upon Government—He insisted, that it was a rash expression,

on,

on, for the late Ministry had been drove from their station the same as he hoped every Ministry who acted wrong would be, by a majority of that House; it was by a majority of that House that the former Ministry were removed; and of which the honourable gentleman approved. The late Ministry had been removed in the same manner; but he certainly could make allowances for the honourable gentleman seeing things in a different light; it was extremely natural; different situations threw different colours on the same object. Gentlemen he was aware, were led from different circumstances to see the same things in a different point of view, and to colour them accordingly; but he hoped such an appellation would not be annexed to the conduct of those now in office, unless at the same time the right honourable gentleman chose to avow the old and exploded doctrine, that the House of Commons had no right to interfere with Ministers, nor to say who ought or who ought not to govern the country. If the right honourable gentleman was willing to go that length, he was perfectly welcome so to do; and the indecent expression he had just used, would be perfectly consistent with such principles; but if the right honourable gentleman had not forgot or forgone all his constitutional ideas, he trusted he would forbear from applying such appellations as he had just used, to a conduct no more deserving of it, than the conduct he had himself held twelve months ago.

Mr. *W. Pitt* declared he never spoke less in a passion, nor more coolly, than when he had said, "a coalition was formed in order to seize upon the Government," it was an expression he meant to use, and an expression he was by no means willing to retract; at the same time he would be fair enough to say, that had such an expression been applied to the conduct that effected the removal of the administration of the noble Lord in the blue ribband, he should have been one of the first to have expressed his indignation at it, but he could by no means consent to consider the two matters in the same point of view. With regard to what the honourable gentleman had said farther, he was ready to say then, and should in every part of his life be willing to declare, that he would not suffer himself to be considered as second even to the right honourable gentleman himself, in his zealous attachment to that principle of the constitution, which made it perfectly right and proper for that House on some occasions to interfere, and at all times justifiable for it to interfere in the choice and continuance of his Majesty's Minister's: that

principle he ever had and ever would support, and he trusted there never would be any one man or any set of men bold or powerful enough to contend against it, or call it in question.

Lord New-
haven.

Lord *Newhaven* wished to know how much money the proposals that were made to the noble Lord amounted to.

Lord John
Cavendish.

Lord *John Cavendish* replied fifty millions, but in looking over the names there was a million set against some names that he did not think responsible for a single thousand.

The bill was then agreed to, and ordered to be reported on Monday next.

April 28.

The report was brought up from the committee on the bill for empowering the India Company to borrow money, and make a dividend of 4l. per cent, on their capital for half a year.

Sir Cecil
Wray.

Sir *Cecil Wray* said, he had many objections to the bill, but particularly to that part of it, which allowed the Company to divide 4l. per cent. for one half year, at a time when their affairs were in so bad a condition as to oblige them to have recourse to Parliament for money to support their credit. Sir *Cecil* professed himself to be by no means master of the state of the India Company's affairs; he could not, therefore from his own knowledge say, whether the Company were solvent or not, nor whether it would be safe and proper to entrust them with the powers which the bill, if it passed into a law, would convey; but he thought the bill itself afforded an argument, if not of the insolvency, at least of the embarrassment and distress of the Company, and therefore he felt himself warranted, as a member of Parliament, to consider how far it was consistent with his duty to involve his constituents in the affairs of a Company so circumstanced. He owned he did not like the security upon which the money was to be borrowed, and that because he had no great faith in the government of the East India Company; he had always considered government as a matter instituted with a view to promote the interest and happiness of the governed, and not of the governors, but as far as he had read or heard of the conduct and consequences of the government of the East India Company, the reverse of this maxim appeared to have been the aim and effect of that government. He understood that, exclusive of the sum they wanted now to be empowered to

to

to borrow on their own bonds, there was a petition from them actually before the House, for a loan of 1,500,000*l.* from the public: to divide 8*l.* per cent. in such a state of their affairs, appeared to him very extraordinary indeed; and therefore he would move an amendment in that part of the report that related to the quantum of the dividend, and for the word four, he would substitute the word three, so that the Company should not divide more than 3*l.* per cent. for the half year.

Mr. *Burke* entered into a long detail of accounts relative Mr. *Burke*. to the finances of the Company: he observed that they carried on two distinct species of trade; the one of power in the dominions of which they were masters; the other in China, which might be called strictly commercial; the former he proved to have been a losing trade to this country, and the latter lucrative; but then all the profits arising from it were nearly consumed to make good the losses in the former. He arraigned, in very severe terms, the conduct of Governor Hastings, whom he called the Grand Delinquent of all India, to whose measures all the calamities under which that country groans, were, in his opinion, to be ascribed. Hyder Ally, he said, had been twice sold to the Nabob of Arcot, and twice had the Company on that account, been engaged in wars with the former; for which, when the Nabob was called upon to give the stipulated supplies to the Company, he always excused himself, by saying, that he was unable, unless Hyder, whom he called his rebel subject, should be put into his hands; and the country he had seized should be restored: the government of India falling in with the views of the Nabob, had undertaken two wars against Hyder, and plunged India into an abyss of calamity; and when peace was made with that prince, the Nabob was not included in it; so that he was left at liberty to go to war with Hyder whenever he pleased; and thus, the Nabob being the ally of the Company, there never was wanting a pretext for commencing hostilities, without the appearance of the Company's acting as principals in the war. He described the famine that at present rages at Madras, in the most pathetic manner, stating that two hundred persons perished daily with hunger in that city; that vultures appeared by hundreds, hovering over that ill-fated city, to share with the wolves and dogs in devouring the carcases of the dead, and to the misfortune of the miserable, they had also wolves and vultures in human shapes eager to devour them; that Lord Macartney

Macartney was obliged, from principles of humanity, to send the handicraftsmen out of Madras, where there was not work or food for them, to other places. He deplored the fate of a great princess, who, in another part of India, had been driven from her palace with two thousand of her women, after the most faithful of her servants had been hanged; and he prepared the House to expect, in the next report from the select committee, such accounts of the cruelty, barbarity, and rapine of our government in India, as would shock every man of the least sensibility. He spoke of large fortunes acquired by individuals, while the Company was almost reduced to bankruptcy; and he instanced the readiness with which 800,000*l.* had been raised by Mr. Hastings for the purpose of making investments, to prevent the Company's ships from coming home in ballast. He did not approve the motion relative to the dividend; but he would support it, as he hoped that a totally new system, relative to the government of India, would be adopted. He laid it down as a maxim, that the relief of the India Company and its reform should go together. That he believed, the particular accommodation, which the bill then under discussion would afford, was indispensibly necessary, and necessary with as little delay as possible. Therefore, and therefore only, he was willing to give his assent to it, but if he thought that it was merely one part of a system of dribblets, and that without going fully into a general reform of the abuses in the government of India, it was meant by little and little to meet the difficulty of the moment, and apply a remedy proportioned to the present pressure of inconvenience, he would most steadily have opposed it.

Sir Henry
Fletcher.

Sir *Henry Fletcher* rose to state the particular situation of the India Company at present, and the nature of the necessity that urged them to make the application to Parliament, now under consideration. Sir Henry recited, the progress of the Company's affairs for many years back, and the sums they had spent in procuring their territorial acquisitions. He shewed, that the public had derived immense advantages from those acquisitions, by customs and otherwise, but that they were still indebted to the Company very considerably. He mentioned also, that the dividend from the year 1708 to the year 1757 or thereabouts, had been eight pounds four shillings per annum on an average, and that in time of war it was upon an average seven pounds fifteen shillings. Sir Henry farther stated, that the Company were far from being

in a state of insolvency; that they had cargoes upon the seas to a large amount, and that they only wanted some present cash to defray certain bills, that were coming due, and to carry on their affairs; and thence their application to Parliament! He claimed some credit as due to the Company for their conduct in India during the war, and shewed, that though government had thought it right to give up their conquests for a valuable consideration, when they made the peace; that nevertheless, the fact was ascertainable, that the Company had almost driven our natural enemies out of India; in the course of the war.

Governor *Johnstone* said of Mr. Burke, the honourable gentleman's humanity carried him away; and seeing melancholy prospects, he was prevented by that very humanity from taking time to consider what was the real causes of them; and therefore without hesitation, he ascribed them to the British government. If famine raged in the Carnatic, it was the natural consequence of the manner in which the Marhattas always carried on war: they were very far from being a cruel people, and murder was a crime unknown among them; but still when they entered upon a war, they always made it a point to ravage every thing before them: this was the true cause of the famine; and if the honourable member had taken the trouble to read Lord Macartney's last dispatches, he would have found, that after having described the very great calamities of the people of his government, his Lordship observed, that the French and the other enemies, suffered infinitely greater; and that so far was the famine from being confined to the British settlements, that beyond the mountains, in Hyder's dominion, there perished daily one thousand persons. He then spoke of Mr. Hastings, with whom he had no private friendship; on the contrary, some of his relations had cause for enmity against that gentleman; but having carefully examined into the conduct of that great man, he was so astonished at the prodigious efforts he made for the preservation of our territories in India, that he resolved to take a decided part in his favour; and it was matter of surprise to him, that his name should be treated so ignominiously in that House in his absence; if he was present, he was convinced that harsh language would not be used to him; for he would have answers ready that would convince his enemies of his innocence: on the other hand, he knew that Mr. Hastings would not bear such language. His having raised 800,000*l.* for the Company's use was no proof that

that the Company's servants had amassed great fortunes; the honourable gentleman ought to recollect that Calcutta might vie almost with London, as it contained 500,000 inhabitants; and when London can raise 12,000,000*l.* for government, it was not surprising that Calcutta should raise 800,000*l.* The honourable gentleman had a way of colouring things very high; in the excess of his humanity he once saw the captive loyalists of Lord Cornwallis's army hanging on the trees along the coast of Virginia, and yet not one of them was put to death. He heard at another time of dreadful cruelties exercised in an expedition under General Grey, in North America: but he (Governor Johnstone) happened to be in America at that time, and had heard nothing of these cruelties. He wished to hear particular charges, and not general reflections. The honourable gentleman was always talking of the report that was to come from the Select Committee; he wished he could see the mighty giant come forth; if the honourable member was the dwarf who appeared on the battlements of the giant's castle, he wished he would step in and prevail on the monster to come forth to the combat. He desired gentlemen to recollect that the present bill was only one part of an application from the East India Company for relief from Parliament, and begged that they would hold in their minds, that it was brought in upon a compromise with the Lords of the Treasury. Having stated this, he said, with regard to the idea of lowering the dividend to three per cent. he had no manner of objection to it. He thought when any set of people applied to the public for relief, their shewing that they were ready and willing to begin an economical system themselves was the best recommendation of their claim to relief from the legislature.

Mr. Burke.

Mr. Burke said, that if he held improper language in that House, he might be called to an account for it in a Parliamentary way; if called to an account out of the House, he would answer it in a gentleman's way; but no danger, no bullying, no threat, should ever prevent him from doing his duty; and he pledged himself to God, to his country, to that House, and to the unfortunate and plundered inhabitants of India, that he would bring to justice, as far as in him lay, the greatest delinquent that India ever saw. With regard to loose accusation, he was as much above it as the honourable gentleman who had spoken last. He might rest assured, when he charged Mr. Hastings, he would do it by alleging some specific fact of criminality. To act otherwise,

wife, was something worse than acting ungenerously; it was to act the part of a cullumniator, a part which he never would consent to perform, Mr. Burke reasoned a good deal in terms of painting, upon overcharging a picture with colour, in order to hide an imperfect outline; and declared, that he would take care his drawing should be correct and perfect before he put on any colouring at all. He was justified by the forty-five resolutions of the Secret Committee, to hold this language, of Mr. Hastings, whom the House had already so far censured as to resolve that he ought to be brought home to take his trial.

Governor *Johnstone* said he never intended to threaten; but he thought it ungenerous to bring charges, day after day, against a man, who, being absent, could not make a defence. So far from bullying him, he did assure the right honourable gentleman, whenever he had any thing to say to him, it should not be in that House, but in another place, in the mean time, he repeated it, that he thought attacking Mr. Hastings in his absence, in terms of so much harshness, was ungenerous. Gov. Johnstone.

Mr. *Burke* said, it was not his fault that Mr. Hastings was absent. If I could have had my will, said he, he should have been in England before now. Mr. Burke.

Mr. *Dempster* thought that eight pounds was too great a dividend for the Company to make under their present circumstances. As a proprietor, he should think it wiser to receive no dividend at all at present, but as it might be necessary for the Company's credit to have a dividend, he agreed perfectly with Sir Cecil Wray in thinking, that at the proper stage a motion should be made, to alter the words, four per cent. to three per cent. Mr. *Dempster* said, he wished the territorial acquisitions had not been made, he believed they had proved a serious and a solid incumbrance to the Company. Mr. Dempster.

Lord *John Cavendish* denied that the present bill ought to be considered as any sort of compromise with him, a temporary expedient, or as Mr. Burke had said, a driblet. It was part of a larger plan of application for relief brought forward separately, because the nature of the case to which the relief now desired was to apply, could not possibly admit of delay. He had too much respect for Parliament, and too jealous a sense of its rights to take upon himself to answer before hand for the conduct of that House, in a point where its own judgment was to direct its decision, whenever

Lord John Cavendish.

the matter came under discussion. With respect to the territorial acquisitions, Lord John said, he was inclined to believe, that it would have been more to the advantage of the Company and the country, that they had not been made, and that the Company should have confined themselves to their character of merchants; but as we had made the territorial acquisitions, they must at any rate be preserved, because if they were not, they would not revert to the natives of India but fall into the hands of our natural enemies, and give them advantages in that part of the world, infinitely too important and too disadvantageous to us to be permitted. Lord John thought government had already taken too much from the Company, and that if they stood in need of relief, it must at any rate be granted. With regard to lowering the dividend to three per cent. he thought it might be wise to give the Company such a lesson of œconomy, in order to guard them against future neglect or improvidence; but he feared, upon so short a notice, it would be rather too severe a lesson, and therefore wished the four per cent. might stand on this occasion.

Gen. Smith General *Smith* coincided in the consequence drawn by the Chancellor of the Exchequer, viz. that the territorial acquisitions in India having been made, they must be preserved, but he denied the position, that it would have been better for this country had they never been made. He was persuaded the possession of those acquisitions had been of infinite service as well during the war, as in regard to the peace, which he contended was much better than it would have been, merely on that account. The General endeavoured to prove the Company not solvent, but nevertheless declared, that he thought it right to pass the present bill, in order to prevent their credit in India from sinking.

Sir Cecil Wray. Sir *Cecil Wray* thought their credit there would be much affected by the whole of the bill.

Mr. Martin. Mr. *Martin* said, he had the other day declared, he was of opinion that it would have been better for the cause of humanity, if the Europeans were extirpated in India. This opinion had been ridiculed; but he, nevertheless, was persuaded of its justice. At the same time he did not wish the subjects of Great Britain to be the only Europeans extirpated from India. Mr. *Martin* applauded Mr. *Burke's* humanity, and said, he was so far from thinking that gentleman's humanity ran away with him, that he wished to see more humanity in all the proceedings, as well of individuals as of government.

government. Humanity was too hard ridden in this country, and too close curbed. He particularly recommended a greater attention to it to those who were now in power than had distinguished the executive government of late years.

Mr. *Jackson* gave a history of the dividends of the East India Company, and of the various statutes under which the Company had been empowered to borrow money. He shewed that they were limited to 1500l. in that particular by act of Parliament, and that such a bill as the present went to overturn the before-mentioned statutory limitation. He also declared six per cent. was as much as the Company had divided, under more prosperous circumstances than they were in at present, and argued that they ought not to be allowed to divide largely now. Mr Jackson.

Governor *Johnstone*, in answer, said, great lawyers had differed as to their construction of the act of Parliament, empowering the Company to borrow money, and that three millions had been borrowed at once. Gov. Johnstone.

Mr. *Townson* shewed, from the report of the Proprietors, that the Company were worth six millions in the whole. He said, he was ready to allow two millions five hundred thousand pounds for bad debts, &c. yet still there would remain a large balance in favour of their wealth. Mr. Townson.

General *Smith* answered this, and argued strongly that the Company was not solvent.

Sir *Henry Fletcher* rose again to explain a particular circumstance, and stated, that the Company were far from insolvent, though embarrassed for the moment for cash, to carry on their affairs, Sir Henry Fletcher.

At length the question was put, and the amendments read a second time.

When the next question, viz. that respecting the dividend, came to be put, Sir *Cecil Wray* made his promised motion to leave out the words four per cent, and insert the words three per cent. This occasioned a short debate in which Mr. *Burke*, Mr. *Jackson*, and Mr. *Hopkins* took part. At length the question was carried for the words four per cent. as originally proposed in the committee.

In the course of the debate some conversation was had about the 400,000l. which Government took from the Company a few years since. General *Smith* contended that Government had no right to take it. Mr. *Jackson* on the other hand, argued that it was a matter of bargain that Government should share in the profits whenever the dividend ex-

ceeded

ceeded a certain limited sum, and that the 400,000*l.* was taken by virtue of that bargain.

April 29.

The *Secretary at War* (Col. Fitzpatrick) moved for leave to bring in a bill for repealing such acts of Parliament as were passed for the temporary purposes of enlisting soldiers for three years, or during the war, lately concluded; his object, he said was to bring back the soldiers engagement to the usual period or term, for life.

Sir Charles
Turner.

Sir *Charles Turner* said he had very great confidence in the right honourable gentleman, who made the motion, which made him trust, that as the acts he wanted to have repealed were of a temporary nature, so should the bill that he was bringing in; for it was shocking, in his mind, that men should be enlisted for life; it was a bondage that ought not to be endured in a free country; nay it was unknown in the arbitrary government of France, where soldiers were enlisted only for a term of years.

No reply was made; the motion was put, and leave was given to bring in the bill.—The House in a committee then proceeded to hear counsel on Sir Thomas Rumbold's bill, and witnesses were examined on the part of Sir Thomas; after which the House adjourned.

April 30.

The next order of the day, was for going into a committee on the bill for taking up and imprisoning such persons as should be found in the night, with picklock keys, or other implements for breaking into houses, The Speaker then left the chair, and Mr. Parry took the chair of the committee.

Sir Cecil
Wray.

Sir *Cecil Wray* opposed the bill *in toto*, for he could not consent to a law by which new crimes should be created, or rather that an intention should be made a new crime, there being already in existence laws fully adequate to the end of punishing such an offence as was described in the bill before the committee; he therefore moved, in order to get rid of the bill entirely, "that the Chairman do leave the chair." This gave rise to a desultory conversation, in which near four fifths of the members present took some part.

Mr. Eden.

Mr. *Eden* disapproved of the bill in its present form, but still he did not wish that it should be lost; for there certainly was great occasion for some laws to check the audacity

city of highway-robbers and housebreakers; he therefore would be glad that the Chairman might be desired to report progress, and ask leave to sit again; and in the mean time gentlemen might turn the matter in their thoughts, and come prepared to substitute other clauses in the room of those which appeared to them objectionable.

Mr. Fox was of the same way of thinking; and there-
fore he wished his honourable colleague would withdraw his motion. He thought a reformation ought to be made in the police; for the business of a justice of peace was really become a trade in the city he had the honour to represent: as to the bill itself, if he was called upon to give it a negative or an affirmative in its present form, he certainly would give the former; but if the Chairman should be directed to ask leave to sit again, he thought the bill might be mended.

Mr. Martin said he would oppose the principle of the bill in any form: he liked not to see penal laws multiplied; and if Parliament should go on as it had done, he was afraid it would shortly be penal for a man to have a knife and fork in his house, to use at his dinner.

Sir Charles Turner was also an enemy to the bill; it was levelled, he said, against the poor, between whom and the rich he wished that in making laws no distinction should be made. Should the present bill pass, his groom, a poor ignorant Yorkshire-man might be taken up, if there should be found in his pocket at night, an instrument to trim his horses feet; and the poor fellow not knowing what to do, might be detained a prisoner the whole night, without having committed the slightest offence.—A poor taylor, going home with his goose and his yard, might be taken up: because, forsooth, the taylor might break open a door with his goose, which in a taylor's hand might be construed to be a most dangerous weapon, as he might use it, when hot, in a double way, as an implement to break a house, and also to burn the face of whatever person should oppose him! The laws already in being, were fully sufficient to punish vagrants and idle fellows if the laws were properly carried into execution; and in cases where he did not find the letter of the law against the accused, yet he would punish him, if he found that he had acted against the spirit: he remembered, that when hunting one day, he was told by a man, that looking through a window, into a room, he saw a man lying weltering in his blood on the floor, in consequence of wounds he had received from another: It was at a time, said Sir Charles,

Charles, when general warrants made such a noise; I did not know in what particular house the murderer was concealed; and therefore I could not, according to the mere letter of law, grant a search-warrant, describing any particular place; but I knew if a general search-warrant was not granted, the culprit would escape: and being satisfied in my own mind, that forms ought not to stand in the way of substantial justice, I resolved to take all the consequences on myself, and granted the warrant. If other justices of the peace would do as I did, there would be no occasion for new laws. He concluded by declaring that he would vote for the Chairman's leaving the chair,

Mr. Burke. Mr. *Burke* was of opinion, that improper implements indicated something more than a bare intention; for the intention of a housebreaker to commit a felony, exists before he provides himself with implements to carry his intention into effect; and therefore, when the implements are found on him, it might be said that the crime was in a progress to its accomplishment; it would therefore be wise for the legislature to interpose, and stop the crime in its progress. He blamed the magistrates of Westminster for most of the crimes committed in and near it; they had an absolute authority over public houses; and if they exercised that authority for the public good, we should not see any rendezvous for thieves of all denominations, which were licenced, as it were, that they might be seminaries of vice and corruption. If licences were withheld from all houses of bad character, there would not be a tenth of the crimes committed in a year, that are now committed in a month. As to the bill, he wished it might not be lost now; but that a progress might be reported, and leave be given to sit again.

Mr. Eyre. Mr. *Eyre* was of opinion, that the laws already in being stood in no need of the present bill; and if a man should be found in his yard, with implements for housebreaking, he made no doubt but he could indict him, and sustain the indictment; and if conviction followed, the punishment would be severe enough, as the convict would be imprisoned for a considerable length of time.

Mr. Howarth. Mr. *Howarth* as a professional man, declared, that the vagrant act could not reach such persons as it was intended to make the objects of a new act. The 17th of Geo. 2d. commonly called the vagrant act, particularly described all the several distinctions of persons, on whom it was to operate; if therefore another distinction of persons, not named

in that act, should be thought proper objects of punishment, it was clear, that not being within the act, they could not be punished by it. A man being found in a court-yard, having implements about him for breaking open houses, could not, merely on account of having such implements, be indicted on the statute of the 17th of Geo. 2d. unless in some other respect, they came within the meaning of it; thus for instance, if he was a man of some substance, or a house-keeper, he could not be deemed a vagrant: nay, if he had proceeded so far as to attempt to break open a window or door, he could not be indicted, unless it could be proved that he made the attempt with an intent to commit a felony or burglary; and if no such intent appeared, then the attempt could be considered only as a trespass, and the man so far from being indictable, would be made subject only to a civil action. Hence he was of opinion that some law was necessary to reach those who were not within the meaning of the 17th of Geo. II. and who nevertheless were the most likely to carry implements for housebreaking, such as soldiers, servants, &c.

Lord *Mahon* thought a very easy method might be adopted Ld. Mahon in wording the bill, so as that the law should reach only those whose intentions were really criminal: he would suggest, for instance, that the implements meant by the bill be described to be such only as could not be employed to any good purpose.

Mr. *Sheridan* would object much less to the bill, if this Mr. Sheridan idea of the noble Lord should be adopted; but at present there was no such line drawn; but the general expression of "implements for housebreaking," was all that was used; so that a ladder on a poor labourer's shoulder might be deemed such an implement; as might also a strong shoe, because with a strong shoe a man might possibly kick a door open. He then said that the reformation ought to begin at the source; for until the police should be reformed, little reformation could be expected among the lower classes.

Mr. *W. Pitt* objected to the clause for granting rewards Mr. W. Pitt for the apprehending of the persons that were to be the objects of the bill; but still he would not wish to see the bill rejected; with a little more time to consider of it, gentlemen might be able to amend it.

Mr. *Selwyn* said he could at the bar see the necessity of Mr. Selwyn some such bill as the present.

Many other members spoke a few words on the subject; the committee divided, when there appeared, on the question for the Chairman's leaving the chair, Ayes 21, Noes 29.

The Chairman was then directed to report progress, and ask leave to sit again: the House was then resumed, and adjourned.

May 1.

Sir Cecil
Wray.

Sir *Cecil Wray* moved for leave to bring in a bill to explain an act passed in the 11th and 12th of William III. relative to goals. His object, he said, was to enable sheriffs to remove prisoners from goals, while repairs were carrying on, if it should appear to them necessary, without subjecting them to penalties of rescues, if any such should happen, in consequence of confining the prisoners elsewhere than in the goals. There was another thing also that he intended to provide for in the bill, which was, that if any wall or other part of the goal should fall down, some justices of the peace might be empowered immediately to raise as much money as would make good the damages, without waiting for a presentment, provided the sum were small, not exceeding twenty or thirty pounds.

Mr. Barrow
General
Smith.

Mr. *Barrow* seconded the motion: and

General *Smith* returned his thanks to the honourable Baronet for having made it, as he knew such a bill to be very necessary. Three or four years ago, when he was Sheriff of Berkshire, a part of the wall of the county goal had fallen down: and if he had waited for a presentment, he believed the prisoners might have escaped; he therefore had the wall repaired at his own expence, which indeed was very trifling; but he thought that in such cases, there ought to be a power vested in the justices of the peace to levy money immediately, to make such repairs as might be necessary for the security of the prison. The motion passed without opposition, and leave was given to bring in the bill.

The House then proceeded to hear counsel and evidence in behalf of Sir Thomas Rumbold, against the bill now depending respecting that gentleman.

May 2.

Lord New-
haven.

Lord *Newhaven* informed the House, that since he moved for the minute of the Treasury, relative to Messrs. Powell and Bembridge, he had been informed, that prosecutions against these gentlemen had been ordered in the courts below; if he should now be told from authority, that such prosecutions had really been ordered, he would move to have the
order

order discharged, for taking the minute into consideration; because he was of opinion, that no proceeding should be had in the House, that might tend to create a bias in the minds of the public, before the two gentlemen in question had been brought to trial.

Mr. *Sheridan* said the Attorney General had given it as his opinion, that a prosecution for a misdemeanor should be instituted by information; and also that another prosecution by English bill, should be instituted in the Court of Exchequer, to compel Messrs. Powell and Bembridge to make up their accounts, and pay in their balances. He had this day spoken to the Solicitor of the Treasury, and he understood from him that he had directions to file the bill; and that he only waited for the arrival in town of the Attorney General, to receive his instructions, relative to the prosecution for the misdemeanor. Mr. Sheridan.

Mr. *Pitt* replied, that the proceeding by the English bill had nothing at all to say to the cause which induced the late Paymaster General to dismise the two gentlemen in question: there had been a dispute between Mr. Powell and Mr. Paris Taylor, relative to a sum of money; and the former wished not to pay in his balance until credit should be given him for that sum; so that he would have the payment of the balance await the judgment of the court on the question; the English bill would answer the purpose of bringing this matter to issue; but there was nothing in common between this case, and that for which the gentlemen had been dismissed; and he could not help saying that their restoration seemed to cast no small reflection on those who had been the authors of their dismissal; and on the learned gentleman (the late Attorney General) who had given his opinion against them. If the prosecution for the misdemeanor was to take place, he had no objection to the discharge of the order; but he had rather for the present, that the order should not be discharged, but suspended only, until the present Attorney General should come to town, and inform the House whether or not he meant to proceed criminally against the gentlemen in question. Mr. Pitt.

Mr. *Sheridan* rose again, and said, the delay of the legal proceedings against Messrs. Powell and Bembridge was by no means chargeable as matter of censure, against the present Ministry. The late Attorney General had commenced the business, and there had time enough elapsed for him to have gone on with it. Mr. *Sheridan* threw out some sarcasms on the practice of that gentleman to threaten and to institute criminal processes, and then to suffer them to sleep. Mr. Sheridan.

Mr. Pitt. Mr. *Pitt* spoke again in farther explanation of his own conduct, and of that of those with whom he had lately had the honour to act in office.

Mr. Kenyon. Mr. *Kenyon* said that from the state of the case that had been laid before him, he had delivered it as his opinion, that the gentlemen ought to be the objects of both a criminal and a civil prosecution; and in such a light had their conduct appeared to him, that he did not hesitate to declare to those who were at that time in power, that such enormous offenders ought not to be suffered to remain in places of trust. He explained his own conduct, and said he would justify it through the whole of the business.

Mr. Burke. Mr. *Burke* defended his own conduct in restoring the two gentlemen to their former situations; it was his own act entirely, on which he never so much as asked the advice, or took the opinion of any other man: he was responsible for this act to his country; and he had so regulated the Pay Office, that there was no danger of the public money being embezzled by these gentlemen or himself; he kept no balances in his hands; they lay at the bank; but were very small; when he went out of office the balance amounted to no more than 700*l*. In the case that had been laid before the honourable gentleman who spoke last, for his opinion, there was one omission, of which the persons in question had great reason to complain; and if the circumstance to which he had alluded, had not been kept back, he was sure that the learned member's opinion would not have been so strongly against the two gentlemen. He was going into the merits of the case, when he was requested by Sir George Yonge to recollect that the House wished the business to sleep for some time, until it should be known from the present Attorney General, whether he intended to proceed in the criminal prosecution.

Lord John Cavendish. Lord *John Cavendish* declared, he knew nothing of the discharge or the restitution of the gentlemen in question, but he thought it extremely improper to go on with a conversation of so delicate a nature, when there was no question before the House, and when the persons who were best able to speak upon the subject [Colonel Barre and the Attorney General] were both absent.

Mr. Martin. Mr. *Martin* said that when he heard from the highest authority, that two considerable clerks in office had been dismissed for gross misbehaviour, and that they were afterwards

wards restored, he could not help looking upon their restoration as a gross and daring insult to the public.

Mr. *Burke* rising in a violent fit of passion exclaimed, *Mr. Burke*, "it is a gross and daring——" but he could proceed no farther, for his friend, Mr. Sheridan by this time had pulled him down on his seat, from a motive of friendship, lest his heat should betray him into some intemperate expressions that might offend the House.

Sir *Edward Ashley* supported Mr. Martin, and with much *Sir Edward* vehemence said, that to restore persons charged with a crime, *Ashley*. amounting to public robbery, was a great slight for the opinion of the public, and a daring insult.

Mr. *Fox* endeavoured to soothe the House into temper, *Mr. Fox*. he declared that he had never heard a word of the restoration of the gentlemen in question, till he had heard it from the Paymaster General himself, as he was going into the King's closet at St. James's. He said that, it was impossible that any man could wish to smother an enquiry into the conduct of the persons alluded to; an enquiry must certainly take place; but his honourable friend thinking that punishment ought not to precede an enquiry, had restored them to their places; determined no doubt, to suit his conduct to the issue of the enquiry. He said, if the honourable Baronet and the honourable gentleman who spoke before him considered a moment, they surely would think, that calling what his honourable friend had done a daring insult to the public, was an expression not more harsh than unjustifiable. With regard to the honourable gentleman who spoke last but one, he had on some occasions touched upon humanity; surely if that honourable gentleman would reflect ever so little, he would see that it was the fixed principle of humane justice (if he might couple two such words) to presume every person innocent till some criminality was proved against him. To talk therefore of the public's supposing Messrs. Powell and Benbridge guilty, before any proof of their guilt was adduced, was in his opinion not less a libel upon the humanity of the public, than it was a cruel and unwarrantable attack upon those gentlemen. Mr. Fox said, that the one of them with whom he had been acquainted, viz. Mr. Powell had ever had the character of a man of the strictest honour and honesty; he saw no reasons, therefore, for accepting the accusation, even (if accusation there was) against such a character for proof, nor of condemning him unheard, any more than of condemning any other person, accused of

any other offence, before he had been fairly tried. With regard to the degree of public responsibility belonging to the offices of Cashier and Accountant, it was no affectation in him to declare he was wholly ignorant, what that degree of responsibility was, or what it amounted to, but this he was certain; his honourable friend was responsible to the public, not only for his own conduct, but for that of every clerk under him, and therefore it was not to be presumed, that his honourable friend would have restored two persons to their offices, under him, of whose unimpeachable conduct he was not in his own mind perfectly convinced. But that his having done so was a daring insult to the public, was surely not only a very harsh assertion, but an assertion by no means true. It was possible for the last Paymaster to have seen the same conduct in a reprehensible point of view, and for his honourable friend to have seen it in a very different point of view; and in consequence, for the late Paymaster to have discharged Messrs. Powell and Bembridge, and for the present to have restored them, without there being any thing in either case like an insult to the public, much less a daring insult, as the honourable Baronet and the honourable gentleman had thought proper to call it. Mr. Fox reminded the House, that his honourable friend could never have been so weak as to suppose, that the act of restoring the Cashier and Accountant, would pass unnoticed, or that it would not call forth observation, and provoke enquiry. Undoubtedly it was obvious, that notice would be taken of it in that House, and he had no manner of doubt but that his honourable friend would be able to shew, that he had not by any imprudent and hasty measure done a thing so culpable as some men chose to suppose it. With regard to an enquiry, an enquiry into the whole affair must be made, and it was a matter that concerned him more nearly than any other person whatever. He explained this, by stating Mr. Powell to have been the acting executor of his father, and said, if contrary to his general character, contrary to what he believed, Mr. Powell should not turn out a man of honour and honesty, the House must see, that in so large, so complicated a transaction as the executorship of his father's affairs, there must have been great opportunity for wronging his family, and though 40 or 60,000*l.* was a trifle with regard to the public, yet when it came to be the case of an individual, the consideration was a large one. Mr. Fox reasoned upon this, and very amply defended Mr. Burke on the presumption, that

that he would at the proper time be able to justify what he had done in the instance in question.

Mr. *Frederick Montagu* rose to order, and having reminded the Speaker, that the whole conversation had been irregular and disorderly, called upon him in form to enforce the orders of the House. Mr. Fred. Montagu.

The *Speaker* thanked Mr. Montagu, recapitulated the origin, turn, and tenour of the conversation, and desired it might drop there. The Speaker.

Mr. *Kenny* hoped he might be heard in explanation of his own conduct, which had been alluded to in the course of the conversation, but he was stopped by the Speaker. Mr. Kenny.

Mr. *Martin* said he did not blame the restoration of the clerks, or approve of it; he was unacquainted with the true causes either of their dismissal or restoration after such a charge, without giving any reason for it. Many other members were desirous to speak; but after much trouble from the chair in shewing that the whole conversation was disorderly, because there was no question before the House, the business was dropped. Mr. Martin.

The *Lord Advocate* complained of the very thin attendance that he had hitherto found, whenever the bill of pains and penalties against Sir Thomas Rumbold became the subject of discussion: he wished to know whether it was seriously intended to pursue the business to the end or not? If it was the intention of the House to drop it, he wished to be made acquainted with that circumstance, and then he would not move for another hearing on the subject; for it was a mockery to go into the evidence on the bill, when there could not be kept together a sufficient number of members to make a House. The Lord Advocate.

Mr. *Fox* declared, that to drop the bill would be productive of the most fatal consequences; for it would convince the world that the most atrocious misconduct in India, would meet with impunity in Parliament; and therefore he requested gentlemen would, for the credit, honour and interest of their country, attend to the evidence for and against the bill; if the bill should be lost for want of attendance, it would not clear the character of Sir Thomas Rumbold; on the other hand, it would hold out this idea to the people of India, that it was in vain for them to expect redress of their grievances in England. Mr. Fox.

Mr. *W. Pitt* thought that some mode might be devised to enforce attendance, as in the case of ballots for election committees; Mr. W. Pitt.

committees; on which occasions the House could not proceed to any business till 100 members were collected; nor could any of these 100 members depart from the House, till the business of the ballot was concluded.

The Lord
Advocate.

The *Lord Advocate* then moved, that the hearing of evidence should be resumed on Thursday next, and the House adjourned.

May 5.

Lord Mait-
land.

Lord *Maitland* read to the House a petition signed by four persons, complaining of the Commander in Chief for not having, at their request, ordered a court martial to try several complaints brought by them against Sir James Lowther, for peculation, oppression, and other malpractices, while he commanded the Westmoreland militia. His Lordship said, that the petition had been three months in hand; and finding the allegations contained in it were of a very serious nature; and being informed that there were proofs to support the allegations, he thought it his duty to present the petition; he therefore moved that it be brought up.

M. Coke.
General
Conway.

Mr. *D. P. Coke* seconded the motion.

General *Conway* gave a very long history of the whole business from its first origin in July 1781, down to the present day. Before he was placed in the office that he still continued, though unworthily to fill, charges had been transmitted to his noble predecessor, against the honourable Baronet, by persons, some of whom were not of the military profession, and therefore might not be thought the most proper prosecutors for a military offence. The charges were principally these: that the honourable gentleman had given false certificates of the raising of some companies in his regiment; that he afterwards supported them by false musters and false returns, and drawing on the agents for full companies, converted great sums of money to his own use;—that the regiment was in rags; and that their arms were unferviceable. As soon as he himself came into office, he sent directions to the General of the district where the regiment then lay, to enquire into the foundation of the charges; the result of the General's enquiries he laid before a board of general officers, who were of opinion that there was not sufficient ground for a trial by a court-martial; here he thought it his duty to rest, and not to order a trial against this opinion of the general officers. As to the charge of false musters, he believed it to be absolutely groundless, from the re-
port

port of the General who reviewed the regiment, and who found it complete, and extremely well disciplined. The charge about the cloathing was, if possible, still more groundless; for he himself saw their cloathing, which was the same cloaths as his own regiment (the Oxford blues) wore, and he found it finer than that of any other regiment, and scarcely inferior to that of the guards; the lining finer by much than ordinary, and the buttons very handsome. There was a complaint also of bills not paid; the money for which the honourable Baronet was charged with having appropriated to his own use; he himself had seen some of these bills; one was for one pound fourteen shillings; another for nine shillings, and another for five pounds. Now when the honourable Baronet's circumstances were considered, and the expence he had been voluntarily at for his regiment, one must laugh at the idea of his having put this money in his pocket. As to the arms, there certainly was a time when they were in a bad condition, or at least not in a very good one; but this was not the honourable Baronet's fault; they had been twenty years in use; and the honourable Baronet had applied for new ones, which were sent to him by sea to Cumberland, but they were taken on the way, and retaken by one of our ships; and the honourable Baronet himself paid the salvage money out of his own pocket. Upon the whole, having the best proofs that the charges were groundless; it was not surprising that he should not have sent the honourable Baronet to trial; and he was not a little surprised, that the noble Lord having had the petition in his possession three months, did not present it sooner; and before the regiment was disbanded.

Sir *James Lowther* then entered into a defence of himself: Sir James
Lowther. he first drew a picture of his own circumstances, and those of his accusers: the principal of whom was one Jackson, an apothecary of Whitehaven, who had no connection with Westmoreland: a man of no property in a town where "I am, said Sir James, the owner of the land, fire, and water; a town which grew under the fostering care of my family, who found not a house there, but left it in so flourishing a condition, that it now contains 16,000 inhabitants, and has 300 ships constantly employed." He claimed the merit of having got his men for three guineas and two guineas a man; so that he did not interfere with the recruiting of the army; he made to his officers a present, out of his own pocket, of the expences they had been at in raising their men;

men; he paid 300l. to Mr. Rice, the music master, for teaching his regimental band to play, and for musical instruments: after this he little thought that he should be accused of peculation. It is impossible, and indeed it is unnecessary to follow him through his defence; it is sufficient to say, that he proved to demonstration, that there was not the least ground for any one of the charges contained in the petition. In the course of his defence, he dwelt much on the poverty of some of his accusers, and seemed to infer, from that circumstance, that they were the more capable of calumniating. Here he was called to order by

Sir Charles
Turner.

Sir *Charles Turner*, who would not suffer such reflections to be cast upon the poor; none would ever petition that House, if they were to be condemned for their poverty; and as that was the place where a poor unprotected man had the best chance to obtain justice against the rich and powerful, he declared he would ever lean in favour of the poor, against the rich, as far as justice would permit him.

Mr. Fox.

Mr. *Fox* paid many compliments to his noble friend who made the motion for bringing up the petition, and ascribed to him the most patriotic intentions; but still he did not approve of such petitions being brought to that House, because it would in the end become a court of appeal from every man who should think he had cause of complaint against a court martial or a court of enquiry. He professed himself to be perfectly well satisfied with the honourable Baronet's defence; and he hoped his noble friend would not press the petition on the House.

Lord Mait-
land.

Lord *Maitland* said his reason for not presenting the petition sooner, was that he waited till the government of the country was settled; he said also, that he held it to be his duty to present the petition of the poorest man in the kingdom; but still without pledging himself for the truth of the allegation.

Mr. Alderman Townshend, Mr. Martin, and Captain Keith Stewart said a few words. The question was at last put on the motion for bringing up the petition, when it passed in the negative, *nem. con.* and the House adjourned.

May 6.

The call of the House standing for this day, there was an uncommonly numerous attendance of members; from appearance there could not have been fewer than five hundred present

the House was not called over until about a quarter before six o'clock; as soon as the clerk had done calling over the names,

Mr. *W. Pitt*, seeing Lord North in his place, rose to put Mr. W. Pitt. a question to him: it was reported, he said, that the noble Lord remained in that House only for the purpose of opposing the proposition that he intended to make to-morrow: if the noble Lord had this business so much at heart, he would ask him whether he would consent that the House should resolve itself to-morrow into a Committee, to take into consideration the resolutions that he should have the honour to propose: for his own part, he preferred a discussion in a committee to that in a House, because in the former there was a greater freedom or latitude of debate.

Lord North said, that to spread a report that he remained Lord North. in that House for any one particular purpose, was very indecent; it became not him to say, when he should be called to the other House, or whether he ever should be honoured with a seat in it; to call him to it lay in the power and will of others; and therefore he could not say that he should be removed from the House in which he was then speaking; but whether his stay in it should be short or long, he would always do his duty, and give his opinion freely on every subject that should come before him. As to the question put to him by the right honourable gentleman, he would give this answer to it, that for one, he would not consent that the resolutions which the right honourable gentleman intended to make to-morrow, should be discussed in a committee; for to consent to such a thing, would in some measure amount to an approbation of the principle of making a reform in the House, to which he would not, at least for the present, give his vote. There might perhaps be some imperfections in the present state of representation; but this was, in his opinion, an improper time to enter upon a reform.

Mr. *Powys* was going to speak, but the Speaker informed Mr. Powys. him, that as there was no question before the House, it would be disorderly to enter into a debate; Mr. *Powys* observed, that he was too insignificant a member to be attended to; but the noble Lord in the blue ribband might speak without running the risk of being interrupted. Here there was an uninteresting conversation about order.

Governor *Johnstone* wondered that the right honourable Gov. Johnstone. member had not stated the nature of his propositions; for his part, he would oppose any motion for a committee,

until he should know what propositions were to be discussed in it.

Mr. Pitt.

Mr. *Pitt* said he did not like to let his propositions be known, until he should move them, that they might not be prejudged.

General Smith.

General *Smith* desired to be informed when the learned Lord in his eye (Lord Advocate) intended to move for the second reading of the bill for regulating the government of India.

The Lord Advocate.

The *Lord Advocate* replied, that he must first learn with what name he should move to have the blank filled up that he had left for the name of the new Governor General : when government should have made up their minds on the subject, he would then move for the second reading.

The House then proceeded to hear evidence in behalf of Sir Thomas Rumbold.

M. W. Pitt.

Mr. *W. Pitt* said, he had it in contemplation to move on some other day, that the House should not be at liberty to proceed in this business, unless there should be sixty members present ; and that if at any time the number should fall under sixty, then the House should be obliged to adjourn, and not be at liberty to proceed in any business the next day, until sixty members should be assembled, and should sit to hear evidence.

May 7.

P A R L I A M E N T A R Y R E F O R M.

An immense concourse of people assembled early in the lobby and avenues leading to the House ; the gallery was full before twelve o'clock ; and yet the business which attracted the attention of the public, did not begin till a quarter after four ! Before Mr. Pitt rose, several petitions were presented to the House from various descriptions of persons, praying for a reformation in the representation of the people in parliament ; one was presented by Mr. Masham, from the freeholders of the county of Kent ; another from freeholders, whose freeholds lie in the city of London ; a third was presented by Mr. Byng, from the householders of the Tower Hamlets ; and a fourth by Mr. Fox, from the electors of Westminster. After all these petitions had been received and read, and all the other petitions on the same subject, which had been presented during the preceding month, had

been brought into the House by the clerk, and laid on the floor near the table,

Mr. *W. Pitt* rose to open the business, the expectation of Mr. *W. Pitt* which had collected such numbers of members and strangers in the House; and here it will not be improper to observe, that though there was much reasoning, and ingenious argument displayed in the debate of the day, there was no novelty to amuse the hearer, or diversify a subject, which by having been frequently discussed before, could be interesting in scarcely any thing else than the division, which was to wind it up. Mr. Pitt declared, that in his life he had never felt more embarrassment, or more anxiety than he felt at that moment, when for his country's good, he found himself obliged to discover, and lay before the House, the imperfections of that constitution to which every Englishman ought to look up with reverential awe; a constitution which, while it continued such as it was framed by our ancestors, was truly called the production of the most consummate wisdom: raised by that constitution to greatness and to glory, England had been at once the envy and the pride of the world: Europe was taught by experience that liberty was the foundation of true greatness; and that while England remained under a government perfectly free, she never failed to perform exploits that dazzled the neighbouring nations. To him, he did assure the House, it was interesting, indeed interesting and awful beyond all power of description. He wished, however, the House to view the arduous and very difficult task he had ventured to undertake in its true light. No man saw that glorious fabric, the constitution of this country, with more admiration, nor with more reverence than himself; he beheld it with wonder, with veneration, and with gratitude; it gave an Englishman such dear and valuable privileges, or he might say, such advantageous and dignified prerogatives, that were not only beyond the reach of the subjects of every other nation, but afforded us a degree of happiness unknown to those who lived under governments of a nature, less pregnant with principles of liberty; indeed there was no form of government on the known surface of the globe, that was so nearly allied to perfect freedom. But a melancholy series of events, which had eclipsed the glory of Britain, exhibited a reverse of fortune, which could be accounted for only upon this principle, that during the last fifteen years, there had been a deviation from the principles of that happy constitution, under which the

began to look at the state of parliamentary representation, the steps they had taken to procure some remedy for the inadequacy which they discovered, the degree of their regard and of success that their endeavours had met with, and what it was, that particularly occasioned him to rise at that moment, in support of their petitions. He said, to give the House to understand all these circumstances, he need only advert to the history of a few years recently past ; a history which he would touch upon as shortly as possible, because it was not only a most melancholy picture of calamitous and disgraceful events, but because it was so extremely difficult to mention it in any shape, that would not appear invidious and personal. He then stated that the disastrous consequences of the American war, the immense expenditure of the public money, the consequent heavy burden of taxes, and the pressure of all the collateral difficulties produced by the foregoing circumstances, put the people out of temper by little and little, and at last provoked them to " turn their eyes inward on themselves," in order to see if there was not something radically wrong at home, that was the chief cause of all the evils they felt from their misfortunes abroad. Searching for the internal sources of their foreign fatalities, they naturally turned their attention to the constitution under which they lived, and to the practice of it. Upon looking to that House, they found that by length of time, by the origin and progress of undue influence, and from other causes, the spirit of liberty and the powers of check and controul upon the Crown and the executive government, were greatly lessened and debilitated. Hence clamours sprung up without doors, and hence, as was perfectly natural, in the moment of anxiety, to procure an adequate and a fit remedy to a practical grievance, a spirit of speculation went forth, and a variety of schemes founded in visionary and impracticable ideas of reform, were suddenly produced. It was not for him, he said, with unhallowed hands to touch the venerable pile of the constitution, and deface the fabric ; to see it stand in need of repair was sufficiently melancholy ; but the more he revered it, the more he wished to secure its duration to the latest posterity, the greater he felt the necessity of guarding against its decay. Innovations were at all times dangerous ; and should never be attempted, but when necessity called for them. Upon
this

this principle he had given up the idea which he suggested to the House last year; and therefore his object at present was not to innovate, but rather to renew and invigorate the spirit of the constitution, without deviating materially from its present form. When he submitted this subject to the consideration of the House last year, he was told, that the subject ought not to be discussed amidst the din of arms; the objection was not then without its force; but at present it could not be renewed, as we were happily once more in the enjoyment of the blessings of peace. This therefore was a proper time to enter upon the business of a reformation, which every man, who gave himself a moment's time to think, must be satisfied was absolutely necessary.

An Englishman, who should compare the flourishing state of his country some twenty years ago, with the state of humiliation in which he now beholds her, must be convinced, that the ruin which he now deplores, having been brought on by slow degrees, and almost imperceptibly, proceeded from something radically wrong in the constitution: of the existence of a radical error no one seemed to doubt; nay, almost all were so clearly satisfied of it, that various remedies had been devised by those who wished most heartily to remove it. The House itself had discovered that a secret influence of the Crown was sapping the very foundation of liberty by corruption: the influence of the Crown had been felt within those walls, and had often been found strong enough to stifle the sense of duty, and to overrule the propositions made to satisfy the wishes and desires of the people: the House of Commons (in former Parliaments) had been base enough to feed the influence that enslaved its members; and thus was at one time the parent and the offspring of corruption. This influence, however, had risen to such a height, that men were ashamed any longer to deny its existence, and the House had at length been driven to the necessity of voting that it ought to be diminished. Various were the expedients that had been thought of, in order to effect so salutary a purpose, as was that of guarding against this influence; of shutting against it the doors of that House, where if it once got footing, after the resolution alluded to, liberty could no longer find an asylum: the House of Commons, which, according to the true spirit of the constitution, should be the guardian of the people's freedom, the constitutional check and controul over the executive power, would, through this influence, degenerate

outward form still remain. Among the various expedients that had been devised to bar the entrance of such influence into that House, he had heard principally of three. *One* was, to extend the right of voting for members to serve in Parliament, which was now so confined, to all the inhabitants of the kingdom indiscriminately; so that every man, without the distinction of freeholder, or freeman of a corporation, should have the franchise of a vote for a person to represent him in Parliament;—and this mode, he understood, was thought by those who patronised it, to be the only one that was consistent with true liberty in a free constitution, where every one ought to be governed by those laws only, to which they have actually given their consent, either in person or by their representative. For his part, he utterly rejected and condemned this mode, which it was impossible for him to adopt, without libelling those renowned forefathers, who had framed the constitution in the fullness of their wisdom, and fashioned it for the government of freemen, not of slaves: if this doctrine should obtain, nearly one half of the people must in fact be slaves, for it was absolutely impossible that this idea of giving to every man a right of voting, however finely it might appear in theory, could ever be reduced to practice: but though it were even practicable, still one half of the nation would be slaves; for all those who vote for the unsuccessful candidates cannot, in the strictness of this doctrine, be said to be represented in Parliament; and therefore they are governed by laws to which they give not their assent either in person or by representatives; consequently according to the ideas of the friends to this expedient, all those who vote for unsuccessful candidates must be slaves: nay it was still harder with those members of Parliament, who are made slaves also, when they are governed by laws to which they not only have not given their consent, but against which they have actually voted. For his part, his idea of representation was this, that the members once chosen and returned to Parliament, were in effect the representatives of the people at large, as well of those who did not vote at all, or who having voted, gave their votes against them, as of those by whose suffrages they were actually seated in the house: this being therefore his principle, he could not consent to an innovation founded on doctrines subversive of liberty, which in reality went so

far

burgage tenure; and therefore as he was unwilling to dissolve the boroughs, he would endeavour to defeat the effect of undue influence in them, by introducing and establishing a counterbalance, that should keep it down, and prevent it from ruining the country. This brought him naturally to the *third* expedient, that he had often heard mentioned, which was, to add a certain number of members to the House, who should be returned by the counties and the metropolis. It was unnecessary for him to say, that the county members in general were almost necessarily taken from that class and description of gentlemen the least liable to the seduction of corrupt influence, the most deeply interested in the liberty and prosperity of the country, and consequently the most likely to pursue such measures as appear to them the most salutary to their country; in the hands of such men the liberties of their constituents would be safe, because the interests of such representatives and the represented must necessarily be the same. This expedient appeared to him the most fit to be adopted, because it was the least objectionable; it had the merit of promising an effectual counterbalance to the weight of the boroughs, without being an innovation in the form of the constitution. He would not then say what number of members ought to be added to the counties; he would leave that to be inserted in a bill, which, if the resolutions he meant to propose should pass, he intended to move for leave to bring in: however, he would say, that in his opinion, the number ought not to be under one hundred: it was true that he thought the House would then be more numerous than he could wish; but still it were better it should be so, than that the liberties of the country should be exposed to destruction from the baleful influence of the Crown in the boroughs. He was not, however, without an expedient, by degrees, to reduce the number of members, even after the addition, down to nearly the present number; his expedient was this: that whenever it should be proved before the tribunal which happily was now established by law to try the merits of contested elections, that the majority of any borough had been bribed and corrupted; the borough should then lose the privilege of sending members to parliament; the corrupt majority should be disfranchised, and the honest minority be permitted to vote at elections for knights of the shire: by this
expedient

expedient he was sure the boroughs would be preserved free from corruption ; or else they must be abolished gradually, and the number of members of that house reduced to its present standard. This disfranchising of boroughs would be the work of time ; the necessity of disfranchising any one, whenever that necessity should appear, would sanctify the measure ; it would appear to be, what in fact it would then be, an act of justice, not of whim, party, or caprice ; as it would be founded not on surmise, but on the actual proof of guilt. After amplifying upon this for some time, and shewing that it was equally founded in policy and in justice, he urgently pressed the necessity of something being done in compliance with the petitions that had been presented, complaining of the present state of the representation, and took abundant pains to caution the House against adopting any extravagant plans of reform that might be suggested by enthusiastic speculatists on the one hand, and obstinately refusing to take any step whatever in compliance with the petitions, under a childish dislike, and dread of innovation, on the other. After being upon his legs for an hour and forty minutes, and most ably and eloquently urging an infinite variety of other arguments, which we have not power even to hint at, he said his first resolution, he conceived, was, what every individual member would feel the force of, and be ready to come into, without a moment's hesitation. Of his second, he entertained hopes pretty nearly as sanguine, convinced as he was of its propriety and justice ; and with regard to his third, though it might possibly meet with considerable opposition, he was extremely anxious to obtain it the sanction of the House ; he then read his three resolutions, the substance of which were as follow :

1. " That it was the opinion of the House that measures were highly necessary to be taken for the future prevention of bribery and expence at elections."

2. " That for the future, when the majority of voters for any borough, who shall be convicted of gross and notorious corruption before a select committee of that House appointed to try the merits of any election, such borough should be disfranchised, and the minority of voters not so convicted should be entitled to vote for the county in which such borough should be situated."

3. " That an addition of knights of the shire, and of representatives of the metropolis, should be added to the state of the representation."

consideration, would be the proper time for discussing and deciding on the number of knights of the shire to be added, and of making all such other regulations and restrictions as to the wisdom of the House should appear necessary. He therefore should not hold any gentleman who chose to vote for his resolutions, as containing general propositions, to be bound and pledged either to support the bill he intended to bring in, provided the House agreed to his present motion, or to any clauses it might be fraught with, but to be wholly at liberty, and as much unrestrained in that respect as if he had not voted in support of the resolutions. Before he sat down, he again earnestly pressed the House either to adopt his propositions, or to suggest some other equally calculated to remedy the grievance.

Mr. Duncombe.

Mr. *Duncombe* seconded the motion : he spoke so low, and there was such a buz in the house, that we could not distinctly hear what he said ; we could recollect however from a reply made to one part of what fell from him, the short time he was on his legs, that he said the propositions of the right honourable gentleman should have his support, as they met the wishes of the county (of York) which he had the honour to represent.

Mr. Pows.

Mr. *Pows* said, that when he compared his poor abilities to the transcendent powers of the right honourable gentleman who moved the resolutions, and when he recollected what an obscure individual he was, his doubts arose, and his apprehensions increased. The beautiful theory, the elegant speculation, and the bright oratory of the right honourable gentleman, were a phalanx dreadful to combat ; yet he had his doubts, he had his objections, and he had an opinion to give. He entered into a long detail of the motives that influenced him in the vote that he gave on the same subject last year ; the principal objection that he felt to the measure proposed this year, which he was ready to say was the least objectionable of all the expedients he had heard mentioned, was, that before the remedy should be applied, it would be necessary to prove two things ; one, that the evil to which gentlemen wished to apply it, really existed ; the other, that the remedy was adequate to the removal of the evil. Now, as to the existence of the evil, which could justify such an innovation in the constitution as

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was intended, how could it be proved? And if proved, would the people be satisfied with the remedy proposed? The honourable member who seconded the motion said that it met the idea of his constituents; but of this he had reason to doubt very strongly, if he could judge from the resolutions of the York Association, then in his hand; where he found four things must be done before the freeholders of the county of York would be satisfied; one was, the rotten boroughs should be abolished; another, that a certain number of knights should be added to the different counties; the third, that the Septennial act should be repealed; and the fourth, that the right of election should be enlarged, and extended to others, besides those who now enjoy it: hence it was not unreasonable for him to doubt that the present expedient, if even adopted by the House, would satisfy that county. If the evil complained of was proved really to exist, he was afraid that this was an improper time to debate about the remedy: this was not the most proper moment for cool deliberation; a spirit of speculation had gone forth, and had given birth to various systems of reformation; and each was supported with warmth and with zeal; therefore until it was known which of them was most agreeable to the people at large, he thought it would not be proper to agitate the business in Parliament. Missionaries of no inconsiderable rank, had ventured to spread very strange doctrines, which because they were plausible, and directed to the passions of men, had gained many proselytes; who would not be content with any thing less than having the right of election extended to all the men in England: the expedient proposed by the right honourable gentleman would not satisfy them: on the other hand he could prove, from the respectable authority of the Quintuple Alliance, and Constitutional Society, that this measure alone would not be sufficient to remove the evil complained of. To the sense of the people, whenever he could discover it, he would bow as low as any man; but still without sacrificing his own opinion, if he thought the people looked for something unreasonable, or what should appear to him more likely to be prejudicial than advantageous to them. The matter was not improperly timed, and deserved a candid hearing. First, it was requisite to enquire what occasioned its being brought before the House. Was it from the solicitations, the remonstrances, or the complaints of the petitions? No.

They were not mentioned by the right honourable gentleman as the ground-work of his motions ; and yet the people, or rather the grievances of the people, were that which was held out to the public as the idea under which this scheme of reformation was hatched. The petitions were the documents ; but the documents lay neglected under the table. He believed, however, that this visionary plan of reform was well and properly supported ; for it was certain that missionaries of no uncommon rank had taken particular pains to animate the passions and inflame the minds of the people. He thought it surprising that he had not heard the petitions read and compared, so as to ascertain what it was that the subscribers solicited ; and it was equally strange to his comprehension that the signatures were not counted, so as to make it known how they stood in point of comparison with the great body of representatives throughout the whole kingdom. He had mentioned the missionaries as an active body in this business of reform ; and to those he should add a noble and respectable character, of high rank and great talents, who was a master mover, and one of the main pillars of this baseless fabric of equal representation ; one who overlooked the narrow bounds of practice, and dealt in the more wide and ample field of theory. The honourable gentleman then, in the same vein of irony, read a letter from the noble person to whom he alluded (the Duke of Richmond) to the York Committee, on which he remarked, as well as on some resolutions of the Quintuple Alliance, in a style of sarcastic irony that set the House in a roar. He said the county of York was a great county ; it had four distinct heads, and in consequence was intitled to a quadruple degree of respect. An increase of its rights would strengthen its aristocracy, and therefore it became a desirable object. No wonder, then, that York was anxious for the total destruction of the boroughs, as that destruction would add weight to the counties. But there might be reasons, reasons which did not so forcibly strike him as they probably did other persons. Manchester, Birmingham and Sheffield, however, he was determined to hear, and to pay particular attention to. They were great trading towns, and their petitions ought not to be slightly passed over, in the usual manner of reading the title and the prayer. He said he must have the whole of what they contained explicitly and distinctly made known to the House, and for that purpose desired the clerk to read them. The clerk turned over and over again, but no such petitions being found,

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he told Mr. Powys, that neither Manchester, Birmingham or Sheffield were in the list.—Not in the list I said Mr. Powys, good God, what a misfortune! The numerous inhabitants of Manchester, Birmingham and Sheffield to neglect this important business—to feel themselves outcasts from the constitution! What could they mean? Did they not feel a decay of their trade, a decline of their manufactories? How could they employ their leisure hours when this great spirit of Parliamentary reform was in agitation, and neglect their duty to themselves, and what they owed to the only means of restoring them to trade, wealth and happiness! [This well pointed irony set the House in a roar.] The freeholders of the county of the city of London were not so negligent of their interest—he begged their petition might be read. It was read accordingly, stating their grievances in not being represented. This Mr. Powys said, was a sad case indeed; yet he was glad to find that there was something like a selfish feeling in those who remained within Temple bar, and that the city was not yet deserted. Indeed, of late the representation of opulent freeholders, was outside Temple bar, as well as within, yet he was happy to find that they loved a multiplicity of voters so affectionately as to pray for a triple power of suffrage—Liverymen, freeholders, and citizens of Westminster.—The petition from the inhabitants of the latter place did not forcibly in his mind carry so much weight as that of other cities and counties. They had no cause of complaint, for the great and powerful abilities of their representatives made them full and ample amends for the defect in their right of election.

It had been mentioned how happy, how virtuous, how chaste we were once in our representation, and these halcyon days had been dwelt on with particular emphasis, and decorated with all the flowers of oratory. But, as his memory failed him at times, he should be happy to have it reminded to him in what reign that uncorrupted and virtuous representation was, and at what period of history that perfect equalization existed. A right annexed to property was a serious matter of consideration, before that right was altered, or that property invaded, an enquiry into taxation seemed requisite before any thing conclusive on this great business ought to be decided. He considered the political and moral world in the same points of view; and that in each, men were free agents, and only accountable to those from whom they derived their existence. He did not, he said, recollect any augmentation

what had been said of her infirmities and her state of decline for so many years past was true, she must have had one of the strongest constitutions in the world, so long to have preserved herself from destruction. Parliament, as it hitherto was and still continued, had brought about the revolution, and he was so satisfied with that work, he would not wish to see it new-modelled. New-modelling put him in mind of a person with a lame leg, walking the street, and accosted by another person who purposed to cure him, if he would permit him to apply a remedy. The lame man answered, that he wanted no cure—his defect was natural; yet it did not prevent him from performing his duty as a citizen, churchwarden, a clergyman, or a militia officer. He used it for forty years in its state as it appeared, and found it answer all his purposes. As to the petitioners, he looked upon those who read and understood what they signed, to be tainted with a spirit of speculation, and to have mistaken the constitution of their country. The jealousies in representation were ill founded he was certain; and new modelling the great fabric of our liberties was a dangerous trial. He said he was as independent as any man, loved his country dearly, and would with his life and fortune support it. But as all reforms which touched a part of the constitution that stood the test of time, were to him highly improper; so he should give his negative to the present resolution; but he should do it in that manner least offensive to the great character which introduced them. Therefore he should move the order of the day. There was one observation more he wished to make. Disfranchising boroughs, because the greater part was corrupt, appeared to him a punishment on the innocent as well as a chastisement to the guilty, and therefore did not meet his concurrence. The unoffending minority, according to British justice, ought not to be included with the culpable majority.

Mr. T. Pitt.

Mr. T. Pitt said, that the House having indulged him upon a former occasion with an opportunity of delivering his sentiments at large upon the subject of altering the state of the representation, he did not wish to have troubled them again, and should have gladly contented himself with a silent vote, if the resolutions now proposed by his worthy friend, were not extremely different from the proposition which

that he certainly could have wished, that whatever alterations were to take place could have been brought on at a time, when men's minds were less heated by speculative opinions; that however he could not but congratulate that House, and the country in general, that these dangerous doctrines were disavowed by a person of the weight of the right honourable mover of these resolutions, as well in what he had so ably stated in his opening, as in the propositions themselves; which if adopted by the House, would stand as the strongest protest against these wild speculations. That an honourable friend of his (Mr. Powys) had read such extracts from some of these incendiaries, as could not fail to make known the tendency of their tenets; that he had never thought, with all the industry that had been used, that such opinions had extended very far in the body of the people; and that he was convinced, that even by the interval of a few months they had already visibly subsided amongst many of the most zealous. That many doctrines which are seized at first with enthusiasm, give way to cool reflection and investigation; and that he really believed the people of England at large, did not at that moment call for any alteration whatsoever; at the same time it could not be denied, that there was a spirit abroad of discontent and innovation, which deserved to be taken into consideration upon the present question; that if it were confined only to a few visionaries of little consequence, it might not be so important; but, that when a person high in office, of the first talents in the country, and who, though his modesty might decline the compliment, was universally looked up to as the only present Minister of the country, had so solemnly pledged himself to his constituents, as desirous to throw all possible weight into the scale of the people, he thought such a spirit deserved a very serious attention. That for his part, he was bred up in a veneration for the principles of a well-balanced, limited, and mitigated monarchy; which he had always thought to be the principle of the British constitution: and that as on the one hand he should dread a Minister, who should dare to own an intention of throwing all possible power into the scale of the crown; so he should carefully separate himself from one who avowed his intentions of throwing all power into the scale of the people. That he well knew that the external forms of a government might remain, and yet the virtue and essence of that government might be totally changed either from casual, or permanent

causes. That for example, though the forms of Parliament might remain among us, yet if an artful Minister should deceive the ear, and abuse the confidence of the prince upon the throne, and find means through the factions and corruptions, to strengthen his authority against the sense of all mankind; and the experience of the calamities which his mis-government might draw year after year upon the country, if such a bad Minister could maintain his power, in defiance of the independent part of Parliament, and of the nation; he should not hesitate to pronounce that such a government whilst it lasted, was so far forth an absolute monarchy; perhaps the more absolute as wearing the mask of liberty,

If on the other hand, in such a constitution as ours, the force of cabal and faction could at any time seize upon the executive power against the sense of the Prince and of the people; if the titular monarch could be so reduced as to have no choice in the appointment of his Ministers; no voice as to the measures they were to pursue; no free-will as to granting or withholding the graces and favours of the Crown; in short, that there should remain nothing to him but the painful pre-eminence of suffering daily insults upon the throne, he should not scruple to call such a government a republic, and a republic of the worst sort. That if the causes of such extremes were temporary, the mischiefs would be temporary also; they were no more than the vibrations of a pendulum from side to side, which would soon settle in its centre of gravity, when it was no longer acted upon by the transient circumstances with which it had been affected; but the constitution once altered, the cause might then become permanent, and if such evils flowed from permanent causes, we should then, indeed, become hopeless of a remedy unless by other revolutions, which might perpetually change and vary the nature and essence of our government. That upon the whole, if any one should ask him whether there were any new evils which induced a necessity of any change, he was ready to acknowledge that he saw no such necessity. If, however, he was to give his opinion honestly and sincerely, whether the addition of one Knight of the shire to each county would be to the advantage or detriment of the representation, he should not hesitate to declare it as his opinion, that the representation would be benefited by it. That, however, it was a matter of opinion, it was in the nature

nature of an experiment upon a delicate, though a healthy patient; that he should be sorry therefore to see the remedy administered in too strong a dose. Experience, which is better than all the theory in the world, had proved to us, that though we might probably be the better for such an augmentation, we could certainly exist to every good purpose without it. That he could not, at the same time that he approved of such an experiment, even in the present moment, deny the weight of such arguments as were founded upon the unreasonable spirit of innovation, which certainly his honourable friend could not suppose it was in his power to satisfy by such concessions as these, or indeed by any practicable reform whatever. The clamour would not be appeased by it among those who are the loudest in their calls for alterations; he wished therefore sincerely, that some such plan had already taken place in times of more calm and sober judgment. However, that it should be duly weighed on the other side, whether the dignity and wisdom of Parliament would not be best consulted at such a time, by yielding as far as it was fit for them to yield, and by withstanding afterwards what it was their duty to withstand; that there was every possible difference between firmness and obstinacy; that the one was grounded in reason and the fitness of things; the other in passion and prejudice. That for his part, if the proposition was in itself subversive of the constitution, he should resist it, though the table were loaded with petitions; if it were reasonable and safe he should adopt it, though there were not a single petition to support it. That he could not himself but think, that so prudent and moderate a reform would tend greatly to increase the confidence of good men in their representatives, and to discourage, by a sort of protest, that spirit of innovation, which had given so just an alarm and apprehension. That he knew his worthy friend too well, to think he had pledged himself upon light grounds, when he asserted, that he had reason to believe, that if the resolutions he proposed were to take effect, that they would give satisfaction to considerable numbers of those who were the most anxious for reformation; and he therefore could not but flatter himself, that such a measure would be well received by the public, and produce the most salutary effects. Mr. Pitt then said, that having now delivered his sentiments in favour of this measure of reform, with the same integrity with which he had oppos-

ed that which his worthy and honourable friend had submitted formerly to the House, he was well aware of the interpretation that would be put upon his conduct, not, he trusted, by those who heard him, for he hoped he was better known in that House, but by the natural misrepresentation of party without doors: it would be said he was desirous of obtaining some little popularity, by appearing to espouse a plan of reform, whilst he took especial care it should be such as should effectually secure to him the only interest which, as an individual, was supposed to bias his opinion. That he knew how to despise calumny, but that fair fame was dear to every man, and not less so to him than to any man who heard him. That there was but one pledge that it was possible for him to give of his sincerity, and of the disinterestedness of his opinion; that it remained for him to throw himself upon the House, to implore them to feel for him, and to take him out of so painful a predicament; that whilst he stood forth in defence of the chartered and prescriptive rights of others, which never could be violated without the total subversion of the constitution, whilst he boldly professed to think the burgage tenures in a particular manner the fortresses against the influence of Ministers; he did most earnestly entreat that he might be permitted to surrender into their hands the most precious interests he possessed, as a voluntary sacrifice in confirmation of such a plan as he had recommended to them, and as a victim to be offered up at the shrine of the constitution. That the precedent could affect no one but himself, *volenti non fit injuria*, that it was of little consequence whether he or his posterity should ever have a seat in that House, provided the constitution were confirmed and preserved inviolate to future generations. He added, in case such a reform were to take place, and that Parliament in consequence should accept of the offer he then made them as the seal of such reformation, he should presume so far as to wish, that those two members might be transferred to the proprietors of the Bank of England.

Sir George
Savile.

Sir George Savile followed Mr. Pitt; he particularly replied to what had been said about the petitions not asking for any specific remedy. He said, the petitioners suffered and felt, as was evident by their complaining. An able doctor never asked his patient what physic he should administer to him, but what his complaint was, and knowing that, he prescribed accordingly. So in this case the people
were

were the patients, and that House were the physicians; it lay with them therefore to provide and apply the proper physic. He was proceeding to speak in favour of the motion, when finding himself too weak to speak with that animation that he wished to express, he sat down, to the great mortification of the House, who were distressed to see so good a man in so weak a state of health.

Mr. *Byng* strongly contended for the necessity of a reform in the representation, and therefore should acquiesce in the motion. The proportion of electors, in comparison to the inhabitants, demanded a restoration of our ancient rights in the strongest terms. Innovations had been made, and it was the business of Parliament to bring back the constitution to its original form. There were two instances of additional representatives in the county of Durham and Chester, which, in his opinion, removed all objection of the deficiency of a precedent. He begged to remind the House, that he had presented a petition from the Tower Hamlets, which petition was as strong a proof as could be adduced in favour of the resolutions proposed by the honourable member opposite to him. The eastern part of London, called the Tower Hamlets, paid 34,000*l.* land tax, and they were unrepresented in Parliament. The county of Cornwall paid 20,000*l.* less, and yet they were represented by 42 members. One side of Oxford-street, he said, had a right to vote, the other had not. He mentioned it as a hard case, that those who held tenures for 99 years were excluded from giving votes. With regard to the story of the bad leg (told by Mr. Powys) Mr. *Byng* said, he took the fact to be otherwise: the leg was originally a good one, but by abuse and ill-habits, it became diseased and contracted, an able physician could cure it, and set it to rights again; in the light of an apt remedy he regarded his honourable friend's proposition, and therefore he should vote for it, because he was happy to get any thing on this important subject, but the remedy did not go so far as it ought.

Lord *Mulgrave* spoke a considerable while against the motion, but in a tone more than usually low. All that we could collect from him was, that as every precaution that could be taken to prevent corruption and undue influence had been already taken, the measure now suggested, seemed to him totally useless. Men must reform human nature itself,

Mr. Byng.

Lord Mulgrave.

self, before they indulge the visionary fancies of framing a perfect constitution, a constitution entirely free from fault. The people who have sinister views in voting for two members of Parliament, will now grow honest on a sudden, on finding that they have three to vote for. And with respect to fears that gentlemen seemed to feel for the resentment of the petitioners, if their petitions should be totally rejected, he could only say that to give way to imaginary grievances, would be but one step to confirm the evil intended only to be palliated. No, to temporize in this case, would be to run into the very danger meant to be avoided. As an honest independent member of Parliament, he must reprobate such compromising. Give them but a little, say gentlemen, and they will be less dissatisfied at not obtaining the whole. No! if it is not really thought that even that little would be beneficial, that little ought to be refused. The representatives of the people are not sent by Parliament to humour their prejudices—they are sent to guard their real interests, and provide for their welfare; neither the one nor the other of these great objects could, in his Lordship's opinion, be attained by the present application, and he therefore gave it his negative.

Lord North.

Lord North desired the resolutions to be read, which being done, his Lordship said, that he had given the greatest attention to every thing that had fallen from the gentlemen who were friends to the motion, and particularly to the apprehensions which the most sanguine of its favourers (Mr. William Pitt and Mr. Thomas Pitt) had entertained, on entering upon the very nice operation, to which the resolutions were preparatory. In the whole course of his parliamentary engagements, he had never listened with so much care to any speech that had been made by any member, as he had to the one made by the right honourable mover, and he must do that gentleman the justice to say, that he had never in his life been better paid for his attention. The candour, the moderation, the ingenuity, and eloquence displayed by that gentleman were such, as did honour to the illustrious body of which he formed so very distinguished a portion. But the gentleman had prefaced his motion with expressing the dread he felt in touching so venerable a subject as the constitution, though for the very express purpose of amending it. That expression was the expression of sound sense. The attempt was of the nicest and

and most delicate nature that the mind of man could possibly conceive. It was to tamper with that fabric which for ages had stood the boast of Britons, and the admiration and envy of all the world besides. And on what ground! Ought not an Englishman, who was blessed with such a pre-eminent form of government, to pause a moment, and to ask himself, ere he ventured to innovate upon such a form, on what grounds he was going to proceed in so awful an undertaking. And when he had asked himself that, and reflected on what he was about to do, would any man in his senses say that ought but frenzy could excuse such a person from laying violent hands upon the constitution, with no other foundation for his conduct, than the mere fancy of its being disordered, independent of any solid evidence of distemper!

Had the right honourable gentleman who made the motion, laid down any proof of the disorder intended to be remedied? He had not. Neither had any of those who supported it. Much declamation indeed had been made use of both by him and them, grounded on evils which no one of them could deplore more than he did. But these evils, these misfortunes, these calamities, were as little imputable to any defect in the constitution, as the earthquake of Lisbon had to do with the frame of the government of that country. Much had been said of the American war, and of the causes of it: as to himself, he was free to acknowledge at all times the hand which he had in that war; [here there was a cry of *hear him*.] By the cry *hear him*, which I notice, said his Lordship, from the other side of the house, gentlemen seem to think I am going to make some apology or confession: they were never more mistaken. Let guilt confess and apologize. I know none. But I will be ready at all times to vindicate my conduct whenever gentlemen shall think fit to attack it. An honourable member near me, (Mr. T. Pitt) has said, that the constitution is unsound, rocking too and fro like a weathercock with every blast of wind, for want of something to keep it steady; he describes the Crown, by virtue of its great influence, as keeping a wicked Ministry in their offices, contrary to the sense of the people; and he describes this same powerful Crown as itself incroached on, stripped of its influence, and led into captivity. How the honourable gentleman can reconcile two such jarring descriptions, it is not in my power to conceive; but this I know, that they may neither of them

be true, though, very possibly, they may both of them be false. To remedy these supposed grievances, *one hundred* knights are demanded in addition to the county members: but I say, as I trust the majority will say, "No, not fifty." "What! not fifty?" "No, not one." I must see better grounds for the demand before I can venture my compliance with it. But then, as the favourers of this measure cannot adduce any solid reasons in support of their wishes, they are fruitful in imaginary ones: the American war, with all its horrors and misfortunes, are pathetically dressed up, and laid at the door of a worn out, battered, and enfeebled constitution. The American war was, as they suggest, the war of the Crown, contrary to the wishes of the people. I deny it. It was the war of Parliament; there was not a step taken in it that had not the sanction of Parliament. It was the war of the people; for it was undertaken for the express purposes of maintaining the just rights of Parliament, or in other words, of the people of Great Britain, over the dependencies of the empire; for this reason it was popular at its commencement, and eagerly embraced by the people and parliament: could the influence of the Crown have procured such great majorities within the doors of that house, as went almost to produce unanimity? Or if the influence could have produced these majorities within doors, could it have produced the almost unanimous approbation bestowed without doors, which rendered the war the most popular of any that had been carried on for many years: nor did it ever cease to be popular, until a series of the most unparalleled disasters and calamities caused the people, wearied out with almost uninterrupted ill success and misfortune, to call out as loudly for peace as they had formerly done for war. Had the constitution been so disordered as the reformers would persuade us that it is, how comes it to pass that the voice of the people prevailed against the influence of the Crown? This is a recent transaction. The policy of discontinuing the war I shall not now speak of, but that the House of Commons directed the measure no one can deny: of course the influence of the Crown, if ever it had been prevalent, was then no more. Has it, since that period, broke beyond its bounds? Has it threatened any abuse of the constitution which could excite those jealousies and fears which gentlemen affect to imagine prevail among the people? Not a tittle of any such grounds do I perceive, either in the petitions which have been presented, or in the arguments that have been
used

used in support of these petitions. But what is the weight of the petitions themselves? Let us examine the matter. It was used as an argument for delaying the consideration of this business, when the right honourable gentleman, who now moves it, first brought it forward last year, that it were better not to take it up too suddenly, but to give the people time to reflect on it, and in the interim between that period and the next agitation of it, their sense might be more clearly collected. What has been the result? After many months given to the people to ponder well upon their grievances, if any they really had, in respect to the insufficiency of representation, only fourteen out of eighty-two counties have presented petitions on this account; and how are these petitions signed? By infinitely the minority of each county. The petition from the county of York, great and extensive as it is, contains only 9000 names; the petition from the county of Suffolk is signed only by the Sheriff: I am ready to admit, that this is a proof that the Sheriff of Suffolk wishes for a reform; but I must be excused if I refuse to admit it as a proof that the county is for the reform. There is a county from which a petition has been brought up, with which I am very well acquainted; it is the county of Somerset: the petition purports to be the petition of the county of Somerset; but it contains no more than 601 names; now no man who knows the county of Somerset will say that such a petition conveys the sense of the county; it contains, no doubt, the sense of the freeholders who subscribe to it; but it could not for all that be called the sense of the county. Upon the whole, there are not more than 20,000 names to all the petitions; and from this comparatively small number we are to collect the sense of the people of England, and conclude that they are friends to the proposed reform. If the people of England are dissatisfied, why have not petitions been sent from Sheffield, Birmingham, Manchester, Leeds, and Halifax, and from other great towns that have no actual representatives? Why have not eighty-two petitions from as many different counties been presented? But it is not the mere paucity of the subscribers, though that alone ought to forbid you to attempt innovations to gratify their whims, at the expence of the more sensible feelings of the vast majority of the nation, who by their silence on this occasion, shew their perfect contentment with the present form of government. It is not on this paucity alone that I would have the House to ground their rejection of the petitions. To that consideration,

ration I would add the manner in which these petitions have been obtained. They have been obtained, not from the public in general, but from the prejudiced part of that public. The assizes are held twice every year; the sessions four times. On all these occasions the inhabitants of each county may be said to meet in that most fair and most indiscriminate manner, in which it may in candour be supposed the real sense of the mass of the people might be best collected, if the real sense was intended to be collected. Was this the manner in which the petitions were founded? Was it in this fairest of all fair modes that the sense of the public was taken? No; county meetings, as they are called, were had; projectors, with set speeches, and ready-framed petitions, were there prepared to meet a number of prejudiced people, who came invited to sign that which was ready for their signature. The question was begged, or borrowed, or stolen hospitably, to accommodate the craving appetites of such craving guests. Those who liked neither the invitation nor the fare, very prudently remained at their own homes. And the question, in short, now is, to whom we are to pay respect? The few reformers, or the contented multitude? Can this be a serious question? [There was a great cry of *hear him*] I perceive it cannot. I shall not dwell upon a matter which this voice of the House declares it to be unnecessary that I should dwell on. But I would intreat their indulgence while I say a word or two in answer to some insinuations that affect me personally; not that I would presume to take up the time of the House on any matter that concerned my mere self; but as I conceive it will afford a farther argument against the measure we are now pressed to adopt, I am the more encouraged to hope this favour. Indeed, said his Lordship, casting his eyes towards the clock, I fear I have already troubled the House too long, and that they feel the misfortune of my being unable to see the motions of yon monitor. [Here the whole House loudly requested him to proceed.] Well, Mr. Speaker, continued his Lordship, the matter to which I allude, is the insinuation thrown out respecting bad Ministers being continued in office, against the voice of the people, by the over-ruling influence of the Crown. This is not a random stroke: from the quarter from whence it comes, the direction may be known: I will not affect to think it is not levelled at me; but, *multum abludit Imago*; I trust the candid and discerning part of the House will see that the attack is most unjust.

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I was not, when I was honoured with office, a Minister of chance, or a creature of whom Parliament had no experience. I was found among you when I was so honoured. I had been long known to you. In consequence, I obtained your support; when that support was withdrawn, I ceased to be a Minister. I was the creature of Parliament in my rise; when I fell I was its victim. I came among you without connection. It was here I was first known: you raised me up; you pulled me down. I have been the creature of your opinion and your power; and the history of my political life is one proof which will stand against and overturn a thousand wild assertions, that there is a corrupt influence in the Crown which destroys the independence of this House. Does my history shew the undue influence of the Crown? or, is it not, on the contrary, the strongest proof that can be given of the potent efficacy of the public voice? If, then, that voice is so powerful as to remove whatever may be displeasing to the opinions of the country, what need is there of this paraded reformation?

There is a bill now printed for the use of the House, to remedy every grievance in point of expence and bribery at elections, to which the resolution at present moved for goes;—and on that ground alone, I would think myself justified in negativing the motion; but when, to this consideration, is added the want of any proof of disorder in this glorious fabric, as the right honourable mover justly styled our constitution. When a remedy is sought for a disease I know not what; when the puny voice of a few discontented people breaks in upon the tranquillity and reverend silence of the vast and satisfied multitude—when even the discontented themselves are at variance with respect to the nature of their grievances, and the modes of their redress—when (I say) all these things are considered, a doubt cannot remain for a moment on my mind, of the weakness of giving way to this sroward humour—this spirit of projection; they but little know mankind, who imagine that a small indulgence will not induce a pressure for greater. A gentleman behind me says, “give the people fifty knights, and then make your stand.” I oppose this idea---begin with innovation, and there is no knowing where you will stop---like the gravity of a weight in sinking, its velocity increases in proportion to its weight. The addition of one hundred, or even of fifty county members, would give a decided superiority to the landed interest over the commercial; and it

is the beauty of the constitution of the House of Commons, that like the general fabric of the British legislature, it provides for, and preserves the due balance, between the several great interests of the empire; the landed, the commercial, and the monied. But do not let us begin. *Principiis obsta.* Let us act like men. We are not the deputies, but the representatives of the people. We are not to refer to them before we determine. We stand here as they would stand; to use our own discretion, without seeking any other guidance under Heaven. In a word, as no defect in the constitution has been proved, as we have heard nothing but declamation and surmise to warrant so awful and so very important a measure, as an innovation on the form of that venerable palladium, which ages have sanctified down to us, let us again, let me conjure you, act like men, and like Britons, and reject---what to adopt, must inevitably lead to ruin. I have freely given you my thoughts---it remains that I perform my duty. The best way of getting rid of this destructive resolution, is certainly the motion for the order of the day. And that motion has most cordially my wishes.

Mr. T. Pitt.

Mr. T. Pitt rose in explanation. He said he was sorry to spoil his Lordship's jest by applying to it the dull test of common sense. That when he stated hypothetically two opposite extremes under the same form of government, he certainly never supposed them to exist under the same circumstances, and at the same moment. But that whatever his Lordship could or could not conceive with regard to bodies of men, he was sure that neither that noble Lord nor any man in the House would deny that in the instance of individuals at least it was just possible as times and circumstances varied, to reconcile the most manifest contradictions, and the most opposite extremes.

Mr. Beaumont.

Mr. Beaumont then addressed the House for the first time. The noble Lord who spoke last, says he, in the debate, apologised to the House for having trespassed upon its indulgence. If, Sir, a person of his extensive information and acknowledged abilities thought it necessary to apologise for having expressed his sentiments on the subject of your present deliberations, how shall I, possessed of little information, unexperienced in the business of the House, and unacquainted with its forms, venture on this occasion to address you. I know not, Sir, that I shall be able to proceed, but if I should, it will not be owing to any confidence in myself, but to the reliance I have on the more than candour, on the generosity of the House.

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I perfectly agree with an honourable gentleman near me, [Mr. T. Pitt] in thinking that the business on which we are assembled is of the most delicate nature, and that in deciding upon it, the utmost degree of caution will be essentially requisite. For, as on the one hand, to reject all reformation would be to treat with contempt the numerous petitions of the people; so, on the other, to adopt any expedient that is not deliberately weighed and maturely digested, would be to expose to unnecessary hazard the civil and political blessings we already enjoy.

The petitions on your table declare, that the present state of the representation of the people is partial and inadequate. The truth of the assertion cannot, I fear, be disputed; for it must be confessed, that the practice of the constitution is not consonant to its theory. The theory of the constitution acknowledges general rights; the practice of the constitution establishes only partial and local privileges. The theory of the constitution supposes a due connexion between the people and their representatives, but in the practice of the constitution that connexion is notoriously deficient. To this want of an impartial and adequate representation, to this want of a due connexion between the people and their trustees, not the petitioners alone, as the noble Lord would have us believe, but the whole nation is persuaded the evils of these latter times may with truth be imputed. To these causes, whatever the noble Lord may insinuate, the people ascribe the commencement and the prosecution of a contest, in which loss was certain, advantage impossible. To these causes they ascribe the systematic extravagance with which, for a series of years, the expenditure of the public money has been conducted. To these causes they ascribe the exorbitant premiums that have been given on the public loans; and to these causes they likewise attribute the national debt's having been rendered irredeemable, by fifty millions of money being added to that debt more than the nation has received. They know that in private life any man who should borrow on the same terms as those on which the nation has borrowed, and for every sixty or sixty-five pounds that he receives, should give his bond for an hundred, must either borrow but little, or his circumstances, whatever be his income, must soon be desperate. The people have been told that no other method of borrowing is possible. They know the fact to be otherwise, and I fear they consider the assertion as an insult to their understandings. The people are persuaded, (as the right

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honourable gentleman who opened the debate has justly observed) that the present state of their representation is radically defective; they are persuaded, that if a proper connexion had subsisted between them and their representatives, those representatives never would have consented to that additional load of taxes that weighs down the utmost industry of the manufacturer; they never would have consented to those ruinous extremes of legal extortion which force from the merchant more than his gains, and swell the weekly list of the unfortunate; they never would have consented to impositions so grievous, that the country gentleman finds his tenants are beggars, and that his rental is little else than a register of hopeless debts.

I do not tell the noble Lord, that these opinions of the people are altogether just; but I assert that they are their opinions, and I know not how we shall disprove them. — The noble Lord has alledged, that the plan which the right honourable gentleman has proposed to the House is not consonant to the petitions of the people. The petitions, Sir, propose a variety of plans; that of the right honourable gentleman is not precisely the same with any of them, but it coincides with the object of them all. That object is the establishing a sameness of interest between the representatives of the people, and the people at large. To obtain this object, the right honourable gentleman proposes a large addition to that class of the people's representatives, of whom it cannot indeed be said, that they never will mistake the national interest, since as being men, they must be fallible, but of whom with truth it may be said, they can have no temptation to depart from that interest by design. He proposes that the balance of power in this House shall be intrusted to those who have nothing to gain by the despotism of the Crown on the one hand, or by the licentiousness of the people on the other, and who must stand or fall with the constitution.

An improvement which offers no violence to the rights of any description of men; and which at the same time is perfectly consonant to the genius of our government, and perfectly adequate to the removal of the evil of which the people complain, seems secure from objection; yet the noble Lord has opposed it; he has opposed it as an innovation, for in his opinion all innovations are dangerous. All innovations, however, have not proved to be dangerous; for it would not be difficult to shew that the peculiar advantages, civil and political, which the English at this hour

hour enjoy, are not the immediate effects of the ancient British constitution, but of innovations on that constitution.

In ancient times, for instance, the towns and cities of the kingdom were built on the demesne lands of the King, or of some powerful baron, and were considered as private patrimony. To this circumstance it was owing that the lord, though a subject, had a right to confer upon his town the privileges of a borough, as in the case of the town of Saltash, which was thus created a borough by a subject in the reign of Henry III. — That the unchartered towns of the kingdom are not private property still, is surely no detriment to the kingdom, though it be an innovation.

In ancient times the sovereigns of Britain were possessed of the privilege of increasing at their pleasure the number of boroughs sending representatives to Parliament. It was a right which they exercised from the earliest times of representation, a right that was never contested or considered as questionable. To this privilege it was owing, that though in the reign of Henry VI. the number of the people's representatives did not exceed three hundred, yet before the conclusion of Charles II.'s reign, they amounted to more than five hundred; a much greater alteration than that which is now proposed.

The towns of Buckingham and Berwick, the towns and counties of Wales sent no representatives till the reign of Henry VIII. The city of Westminster itself was not represented till the reign of Edward VI. nor the two universities till a much later period, the reign of James I. The town of Newark was not entitled to this privilege till it received it from Charles II. — That a prerogative which gave to the Sovereign the means of procuring the return of a majority of his favourites, has, by the act of union, been virtually abolished, is surely a change that cannot be too liberally praised; yet this change is clearly an innovation.

In the reign of Edward I. the Sovereign frequently directed the principal manufacturing and commercial towns of the country to send representatives to a council of trade, that by their means he might be instructed in the trading interests of the kingdom. This council of trade was not the same with that assembly of the representatives of towns which granted supplies to the Sovereign; for in the first place, the objects of the two assemblies were distinct; and in the next, the towns which sent representatives to the council of trade were not always empowered to send repre-

sentatives to Parliament. At length, however, the representatives of the people in Parliament took upon themselves the province of the council of trade, and from that time a grant of supplies was almost always accompanied by a petition on behalf of the interests of trade, or on behalf of those rights of property and freedom by the maintenance of which the interests of trade are most effectually promoted. This was the commencement of the legislative power of the House of Commons; and though in many of the ancient statutes they are not so much as named, and in others are mentioned as petitioners merely, yet as their petitions were annexed to the bills by which they granted supplies, they soon acquired legislative authority; so soon, indeed, that before the conclusion of the reign of Edward III. the House of Commons declared that they would not in future acknowledge any law to which they had not expressly given their assent. Thus, Sir, it appears, and I appeal to our ancient statutes for the truth of what I say, that the existence of the House of Commons, as a distinct branch of the legislature, is an innovation in the British government. It is to be hoped that this innovation at least comes not within the scope of his Lordship's general censure. If all innovations are dangerous, what shall we say to your office, Mr. Speaker? certainly one of the most important in the kingdom, but clearly an innovation; for till the reign of Richard II. it does not appear that any such office existed. Or what shall we say to that freedom of speech which is now considered, and very justly considered, as an essential privilege of Parliament; for you know, Sir, that freedom of speech did not always characterise the proceedings of the House. In former times, did a member of Parliament deliver an honest and free opinion, imprisonment in the Tower was often his reward. In the time of Elizabeth, the members of the privy council assumed the privilege of controuling the freedom of debate. "Sir, you must not speak upon that subject; the Queen's Majesty will be angry, the privy council will be angry" This was the language of ministers in those days, that it cannot be their language at present, is surely not to be lamented, though it be an innovation.—Sir, this is not the first time that the dangers of innovation have been proclaimed in England.—When the followers of Wickliffe maintained the cause of reason against that of superstition, "no innovation" was the cry, and the fires of persecution blazed in different parts of the king-

kingdom. At a later period, when the King was declared supreme head of the church, and the ecclesiastical power of the Pope was transferred to him, the change was called a portentous innovation that would inevitably lead to the destruction of the government, and the general misery of the people. On the same ground the reformation itself was opposed, and a change to which we are indebted for many of the most valuable improvements in the kingdom; a change to which we owe that freedom of thought, that boldness of action, which mark the character of the English, and have given to their scanty numbers a consequence that no other nation has surpassed, was reprobated at the time as a profligate dereliction of the system of our ancestors, as a pernicious and shocking innovation.

When I heard this maxim of no innovation delivered by the noble Lord, my mind overborne by the weight of his authority, refused for a moment to listen to her rising doubts. But when I recollect that the same maxim was formerly delivered by the ignorant, the interested and the worthless; when I recollect that this was the favourite maxim of the servile advocates for arbitrary power whenever a regulation favourable to the rights of mankind was proposed; when I recollect, too, that this was the maxim which religious zeal inscribed upon her banners, when she summoned her votaries to deeds of blood, I find it impossible to acquiesce in a maxim so incompatible with all improvement, political, civil and religious. When the noble Lord talked of the rashness of making the smallest change in the ancient British constitution; when he talked of the folly of disturbing the harmony and defacing the beauty of the venerable fabrick, his expressions implied (for what else could they mean) that at some period of our history, the British constitution attained to such a degree of excellence as neither required nor admitted of any farther material improvement. Permit me then, to ask, at what particular period the British constitution approached thus near to perfection? Surely, the noble Lord does not mean to refer us to the Saxon times! We know, indeed, so little of those times, that it is scarcely possible to say what the Saxon constitution was; yet if we examine the imperfect records that are left us, we shall find that among the Saxons the authority of the first magistrate was not sufficient for the protection of his subjects or the security of

of his own life. One of their kings was murdered at his own table, publicly, by an outlawed robber. Another of their kings, such was the state of the laws amongst them, had not power sufficient to protect his own queen, though guiltless and unaccused, or to prevent her being dragged from his presence, exposed to the torture, and publicly murdered. A constitution which does not protect the weak, and restrain the injustice of the strong; which does not maintain the authority of the magistrate, and give effect to the laws, cannot be considered as so excellent as neither to require or admit of material improvement.

Is it then to the Norman constitution that the noble Lord means to apply his character of a perfect government? That constitution indeed established aristocratical freedom, the freedom of the immediate tenants of the crown, and contained the principles of enlarged and general liberty; yet under that constitution so little protection was given to the civil rights of the people, that even in the estimation of the law itself, the life of a man and the life of a beast of chase were valued at an equal rate. I am persuaded the noble Lord will say that it was not of the Norman government he meant to speak. But perhaps he may think that the perfect excellence he ascribed to our ancient constitution is true of that constitution as established by *Magna Charta*. If this was the noble Lord's meaning, it follows that, in his opinion, all the changes which after that period were made in the constitution were either useless changes, or changes for the worse. And does the noble Lord really think that the celebrated statute *De tallagio non concedendo*, of Edward I. a statute which secures the inhabitants of towns from being taxed, as they hitherto had been by the King's prerogative alone, was a useless or pernicious innovation? Does he think that the statute of treasons, passed in the reign of Edward III. a statute by which the life of the subject is no longer left at the mercy of the judge, was a needless or mischievous precaution? or does he think that the existence of the House of Commons, as a third branch of the legislature, was a useless change, if not a change for the worse.

Does he mean to reprobate, in the same way, the abolition of the court of wards and liveries, that court of ancient oppression? Does he mean to reprobate the establishment of the freedom of the press, that best guard to the freedom of the subject? Does he mean to reprobate the
statute

statute of *Habeas Corpus*, that second *Magna Charta*, as it has been emphatically called, together with the Bill of Rights itself? The noble Lord must either condemn all these changes in the constitution, or else admit that our antient constitution was very far from being what he described it to be, a system of unimproveable excellence. But though it is impossible that any person acquainted with our history can assent to the noble Lord's ideas, yet many perhaps may be disposed to agree with the honourable gentleman* on the other side the House, who said, if I did not misunderstand him, that the English constitution, as established by the Revolution, possessed all the excellence of which it was capable, and that he does not consider as improvements any of the alterations which have since been made. I hope, I do not mistake his meaning; if I do, he will have the goodness to set me right. Now, if the honourable member's position be true, if the British constitution, as established by the Revolution, was really perfect, it necessarily follows that all the changes which have been made in it since that period, are at best impertinent attempts to improve upon perfection. But who will venture to say, that the act which excludes pensioners, and a certain description of placemen, from this House, that the act for establishing the independence of the judges, that Mr Grenville's act, that the act for excluding officers of customs and excise from voting at elections, that the act for reforming his Majesty's household, who will venture to say that these different acts, all of which produced some change in the constitution, were at best impertinent attempts to improve upon perfection.

Sir, the fact undoubtedly is, that our constitution is less defective at present than it was at any former period; but it is equally a fact that our constitution is still defective, and that it has not yet acquired the perfection of which it is capable, and to which, for that reason, the people are entitled. Liberty was always the informing principle of the English constitution, and time and experience have given to that principle an extensive, but not yet a complete operation. No constitution can long remain unaltered that is not adapted to the circumstances of the times, and the general disposition of the people; for in proportion as the people improve in the knowledge of the means and the

* Mr. Powys.

ends of government, improvements in the constitution will be demanded, and cannot long be refused. When the Stewarts ascended the throne, the circumstances of the times, and the disposition of the people, required improvements in the constitution. It was the misfortune of that family not to perceive what those circumstances, what that disposition had rendered essentially requisite; a farther improvement is now solicited by the people. The noble Lord dissuades us from a compliance with their prayers; he avows himself an enemy to all improvements in the constitution. Very different from his were the sentiments of the greatest statesman this kingdom has at any time produced, of a statesman who was foremost in your affection as well as your esteem, and whose memory you most revere. Let him for a moment be present to your thoughts, since he cannot be so in person; let him tell you that he was not unacquainted with the principles of the British constitution, nor does he think you will suspect him of an indifference to its interests; yet he advised the very improvement that is now proposed; he advised it as the only means of invigorating a constitution notoriously decayed; he advised it as the only security that can be obtained against the profligacy of the times, the corruption of the people, the ambition of the crown.

Mr. Fox.

Mr. *Secretary Fox* rose, and remarked to the House, that he made no doubt there were some persons present who would attribute what he said to lukewarmness, and not to zeal; however, regardless of their censure, he would freely deliver his sentiments, and assure the House that he most heartily concurred with the right honourable gentleman who made the motion, that the constitution required some reform, and so far from its being absurd to make any innovation on it, he was certain that the nature of our constitution required innovation and renovation; for the beauty of the constitution did not consist, as some people imagined, in theory, but in the practice. He knew it was the common and the popular opinion, that our constitution was beautiful in theory, but all corrupt in practice. Singular as his sentiment might be upon the subject, he made no scruple to avow, that he looked to the reverse as the true description of our constitution, and thought it admirable in practice, but imperfect and very faulty in theory. The theory was in its nature found by experience to be absurd in several parts; for, as it was composed of three
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states, King, Lords, and Commons, it was absurd to think that one man should have an equal power to the whole multitude; therefore, in the practical part, that power was wisely curtailed, and not left in the breast of one man, but in a government consisting of several ministers. He regarded it as one of its chief excellencies, that it involved a renovating principle in itself, and by being capable of repeated improvement, admitted the possibility of its being from time to time carried to a degree of perfection, beyond which no human idea could go.

The right honourable Secretary said, much had been mentioned relative to the shortening the duration of Parliaments, and some persons attributed all our calamities to the want of short Parliaments. He had looked into history, and found that when Parliaments were more frequent, the nation was more brilliant and successful; he had also observed, that for a period of many years since the passing of the Septennial bill, the nation had been at the pinnacle of its glory, therefore he could infer nothing from that; nor did he in fact see that this was material either way. The noble Lord, in talking of the American war, had said it was popular in the beginning, that it had been begun agreeable to the wishes of the people, and carried on by their consent until it proved unsuccessful, when a stop was put to it. He differed with him; for although it had undoubtedly been begun by their wishes, the people were for putting an end to it much sooner than it was ended; and there he saw the defect of the House of Commons; it did not speak the wishes of the people quick enough. He begged leave to revert to the two hypotheses mentioned by Mr. Thomas Pitt, wherein he said the despotism of the crown had continued a minister in power against the wishes of the people; and the republicanism of the people had, in grasping for power, taken the crown captive, and robbed it of its prerogative. Certainly, in the course of two years, something like that had happened; but he denied that, in all the contentions he had held, and the systematic opposition (as it had been called) that he gave to the noble Lord, that ever he struggled for power.

With respect to what the noble Lord had said, that by adding more knights for the counties, the landed would overmatch the commercial interest; he could by no means see that to be the fact; for commerce now had spread itself so universally, the landed and the commercial interests
were

were inseparable, therefore he was not afraid of any harm in that quarter; nor did he fear much from the aristocracy that would be occasioned; for although the motion went to a resolution to add more members to the counties and capital, it by no means confined gentlemen from making any wise regulations in the bill that would be brought in, if the motion was carried; and really he should not probably be for adding them all to the counties and capital, but should be for some to the large towns of Birmingham, Manchester, &c. in order to make the representation more equal.

He next touched on the offer of Mr. T. Pitt to give up his borough of Old Sarum: it had a great sound, he said; but in all those fine flourishes which gentlemen take, the House should consider well the nature of the proposal. The honourable gentleman had made an offer that he knew could not be accepted, therefore the merit was not so great as it appeared. There were many persons who were against the motion, because it was an innovation; yet they were perfectly agreeable to innovations; they were not against what was almost a new doctrine, at least it was for near a hundred years, he meant an interposition of the other House with respect to money bills; there, merely for the spirit of opposition, persons attempted to meddle with what they were totally ignorant of, as was plain to be seen by their conduct. [In this Mr. Fox alluded to what the Earl of Shelburne had said of the right of the House of Lords to alter money bills.] There one noble Lord argued about lottery tickets, in a manner that could not help being ridiculed; another noble Lord attempted to prove, that borrowing money lessened a debt; in fact, it must be the case, where persons officiously meddle with what does not concern them, and talk of things in a place where they have no right.

The honourable Secretary entered into a strong vindication of the Yorkshire and other committees from the sneer that had been cast on them by Mr. Powys, for the speculative points they had thrown out. He wished the House to recollect, that Sydney, Locke, &c. writing on the constitution, had speculated far beyond what was practicable; yet much good resulted from their speculations, and they were great helps to the practicable beauty of which we so much boasted. He would not run into a long history of a crooked leg, in which the gentleman had conducted him-
self

self but lamely; but he would, in imitation of him, make a simile, and compare the constitution of the country to that of an individual; it was exactly the same; it was to be fed, it was to be nourished, it was to exist by nutriment, and would undoubtedly be liable to disorders. Suppose the patient had a fever and was to call for water, the physician would not be bound to comply with his request, but would mix up something that would nourish, that would be moist, and that would quench the thirst, and not have the evil tendency that water would; so it was the duty of that House to administer for the relief of the constitution, not exactly as called for by the wild, extravagant doctrine of letting every man who was not a fool or a madman vote, but by taking some wise, salutary steps that would redress the grievances complained of. He entered very fully into the nature of the constitution, expressed himself a warm friend to a reform, saying, mankind were made for themselves, not for others; and that it was the best government where the people had the greatest share in it. He could have wished, he said, that a committee had been appointed similar to that moved for last year, as he did not think the present motion would go far enough; but as he was confident it would be an amendment, he should give it his hearty support.

Mr. *Burke* rose to speak, but many members rising to come out of the House at the time, Mr. *Burke* declined speaking. Mr. *Burke*.

Mr. *Welbore Ellis* supported Lord North, and declared that representation, as now insisted on, was a word unknown to our ancestors, who never either argued or wrote upon it with any view to the sort of construction that it had now obtained. He had even set himself against all these loose and inconsistent ideas of reform, which had been propagated of late with so much zeal and ardour, because he knew that if we once began to tamper with and tinker the constitution, we should never have an end, nor be able to ascertain the extent of the consequences it might produce. Mr. *Welbore Ellis*.

Sir *Charles Turner* said, he knew the public expected his sentiments on the business, and it made him proud to think they had confidence in him. He was certainly for a reform; he was sure one was wanted, and he could have wished for a committee to have been appointed in preference. He should vote for the present motion. He said the Sir *Charles Turner*.

the noble Lord was wrong to mention, that neither the towns of Leeds, Wakefield, or Halifax had petitioned, they had all signed in the county petition. He was against an aristocracy, though he said when a man was made a peer, he looked upon him as out of Parliament, and of no use, only a kind of lumber. He paid many compliments to the abilities of Mr. Beaufoy, after which

The Lord
Advocate.

The *Lord Advocate* rose, and stated, that last year he was against going into a committee, because there was no specific motion made; now he was for the motion, because he thought it a good one; he always approved of the county members in particular, they were looked upon as the most honest, and the least liable to be corrupted, and therefore he gave the motion his hearty assent. The granting so much to the wishes of the people, would be the best means of putting an end to the business entirely, and would certainly, in the popular phrase, give a fresh infusion of fine blood to the constitution of that House. He entered at length into a statement of his reasons for voting with Mr. Pitt on the present question, and said it was a subject which he had attentively considered, and on which he had made up his mind.

Captain
Luttrell.

Captain *Luttrell* said, he rose to express his wish that the contents of the Yorkshire, the Sussex, the Chichester, and, in short, of all of those other petitions, which solicited a general reform in the representation of this country, might be severed from the rest, because he was sure they merited the most serious attention of the House. As they spoke the true, the genuine and the natural voice of the people; but he was equally persuaded that those petitions, which seemed most to be espoused by the right honourable mover, which he had blended with the others; that sought but for local advantages, and partial reformation, militated directly against the interests, and against the wishes of the people, and ought to be rejected; therefore he considered the motion as one of the most important ones that ever was agitated in any House of Parliament; and in the event of its success, he thought, would be attended with greater hazard to the constitutional existence of this country, than if all the powers of Europe were combined in arms against it, had dispossessed us of our foreign dominion, and reduced us to the degree of a petty state. Nay, were they to carry depredations into the very heart of this island, and render us tributary to some Catho-
lic

lie Monarch, we should defend the constitution as it is now by law established, and guard against innovation from our natural enemies, to the last acre of our territory, and to the last drop of our blood: then shall we be amused and persuaded to think, that because the plan originated amongst ourselves, and was carried by progressive degrees into execution, that it will prove less destructive and disgraceful in the end. He said, the noble tree of our glorious constitution, nursed with all the care, the industry, and wisdom of our ancestors, and which flourished for many ages, was left to us in beauty sufficient to excite the envy and admiration of all the world. Our predecessors beheld it as a sensitive plant, which, to touch but a fibre of, would cause the whole to shrink. It was left for modern political artists to prune and to lop its most expanded branches; and now they would have us believe, that by cutting more suckers from the root, it will produce better shoots; but the experiments lately made, have served to prejudice rather than to improve the plant; and much as he respected the abilities and ingenuity of its present principal manager, he doubted his skill being equal to the restoration of its lost vigour, supposing he professed the intention to attempt it.

Surely the partial remedy which was now intended to be applied to imperfections, (to judge of it from the right honourable mover's own avowal, as well as from the conduct and professions of many great men, and by the resolutions of various associations) might tend to demolish the constitution root and branch, by establishing a most dangerous aristocracy; for if we continue a work, which in his opinion was most impolitically and unjustly began last year, when we overpoized the weight in favour of the Lords and great Commons, and should now add to it, by an increase of county, and an extension of borough franchise and representation, we should enable them to contend for power with the Crown, or to obtain it's favour, by sacrificing the most valuable rights of the people, and we may not then find it so easy to regain our lost liberty, as it has been to persuade his Majesty to relinquish much of his just prerogative. But he said, the object of the people's pursuit was not to be attained or qualified by any partial or moderate reform. They claim the rights which they derive from the original institution of representation, and declare that no decrees, judgment, or acts of Parliament, can impair or subvert them; but that we must recur to the first principles of the

constitution as the only measure to effect our political salvation. Then, says he, let us see to what extent the reform which the commonality ask would go, and we read, that in ancient times, much the greatest part of the land was divided between the King, the military Barons, and the great Ecclesiasticks, who with the *mésne* Lords, and frank Tenants, constituted the Legislature, consisting on some occasions of more than three thousand persons, and they assembled of themselves regularly twice in the year; but as more general division of the lands took place, the tenants, *in capite*, became too numerous for all of them to assemble in person, and many of them being persons of mean birth, and circumstances, the Barons refused, and disdained to associate with them, and therefore by degrees formed themselves into a distinct or upper chamber, constituting what has since been called the House of Lords. But it being (as Dr. Robertson observes) a fundamental principle in the feudal constitution, that no freeman could be governed or taxed, unless by his own consent; and as the numbers and circumstances rendered a personal attendance inconvenient to many, and impracticable to all, the mode was adopted of delegating a few as proxies for the rest; but all the great Barons continued to appear in person, and were summoned, as of old, by immediate writ from the crown, the deputies by writ to the Sheriff of each county directing him to cause so many knights of the shire to be indifferently chosen *in pleno comitatu*, and returned to serve in Parliament for such county; this he took to be the origin of county representation, which continues much the same in manner and in form to the present time.

The establishment of communities and corporations was either co-eval or soon followed, for as towns grew populous and wealthy, the inhabitants acquired personal freedom, and as they became subject to taxation or tallage, distinct from the counties, many of them were declared free boroughs, and representation immediately followed as of common right. For being emancipated from vassalage, they acquired by degrees all the rights of freemen of the realm, one of the most valuable of which was, the distinguished privilege of a share in the legislature, by having a voice by themselves or deputies, in the formation of all laws by which they were bound. And Edward the first inserted in his writ of summons, as a fixed maxim of the English constitution, that a law to bind must be assented to by all, for until the eighth year of Edwa-

the fourth, all corporations and boroughs possessed such a privilege, although many of them did not exercise it. The writs issued to the sheriffs directed them in general words to summon all the boroughs in their respective counties to elect members to Parliament; when this was done, the sheriffs severally made their report with these words, *hec sunt plures burgi intra balliviam meam*.

Mr. de Lolme observes, that although the feudal system broke in upon us like a flood, the tide no sooner began to subside, than the three-fold powers of the constitution arose, disclosing that region which was destined to be the seat of philosophy and civil liberty, the seeds of which, he says, were sown when the deputies of the whole nation, were admitted into Parliament. For until the eighth year of Edward the fourth, the delegation to the legislature seems rather to have been incidental to freedom, than proceeding from grace and favour from the crown. We know that at county elections, no freeman resident within the county, was denied the right of voting for his delegate, until the tenth of Henry the sixth, when the act passed which restricted that franchise, to persons having freeholds of forty shillings per annum. And certain it is, that the people by their proxies constituted an important collateral branch of the government more than five hundred years ago, as appears by writs of election which are still extant; so that it should seem to a complete or perfect representation they were originally entitled, and therefore, if any Parliamentary reform was to be made in the plenitude of justice, and in the spirit of our ancient constitution, it ought to extend to an equal representation of the whole kingdom. In theory this was certainly desirable, but in practice he feared it would be found difficult, inexpedient, impolitic, and perhaps impracticable; if so then, he contended, and he thought he could show that the present representation with all its imperfections, was full as good, as any of the several proposed alterations would make it (it were easy to discern which of them deserved the most attention) and at least the advantage of possessing a franchise better understood, than would be the case, with any other representation for a century to come, was in favour of the present one. He thought the very agitating the question tended rather to damage than to repair the constitution, but as it was brought before them; he would offer his opinion on the subject, not borrowed from any particular authors, but which he had adopted from

the result of much practice, of some reading, and a good deal of enquiry. He said, that with respect to the introducing the democratical part of the legislature, whether the change of circumstance in the continual flux of human affairs rendered it prudent and necessary, whether from the good intension of establishing a more permanent common interest, between the representative and his immediate constituent, or from what other cause it arose, there were various and discordant opinions about, nor was it material to the present purpose; but in the eighth year of Edward the fourth, the charter of Wenlock was granted, which is the first that contains an express clause for investing the burgesses of a particular town with such a privilege; and in the reign of Henry the sixth, the town of Calais, in France, was directed to send a member to Parliament, and one Thomas Foster was returned, and sat in the House of Commons for that place. But as trade and population increased, it was found necessary to modify and restrict the delegation from the boroughs to the great council of the nation. Edward the fourth privileged Wenlock and Grantham; Henry the sixth created Heytisbury, Hindon, Wootton Bassett, Stockbridge, Westbury, and Gatton: Henry the eighth privileged Chester, Monmouth, and Wales, adding at once thirty-one members to the House of Commons; Edward the sixth added Maidstone and St. Albans; thirteen more boroughs were added by Queen Elizabeth; three more, and the Universities, by King James the first; four in the time of Charles the first; Newark by charter, and Durham, with knights to that county, by act of Parliament; in the reign of Charles the second. But as these boroughs were established, many others went to decay, several petitioned to be relieved from sending members to Parliament, alleging, that the expence of maintaining them, was too heavy, for in those times, each member received four shillings per day for his attendance, from his constituents; which according to the difference in weight and value of money at this period, and that, is equal to forty shillings a day now. It never was untill lately supposed, that the affairs of this nation could be well conducted by any administration, unless they were enabled to procure a constant attendance to do the necessary business of Parliament, and to make a reasonable compensation to those who devoted their time and abilities to the service of the state. The theory of a Parliament, without placemen or dependents, is certainly good; but country gentlemen,

gentlemen, bred in the school of luxury and ease, are not readily to be curtailed of their pleasures, and will not be deprived of them totally from November to July, to attend the routine of Parliamentary business, which is frequently tedious, and seldom pleasant. The aid of men, versed in calculation, of those deep read in history, of others used to negotiation, and of such as are well versed in commercial matters, must be always required by the Ministers and by the House, and there should certainly be left the means of bringing them into Parliament for the public service, as well as those who are to do the official business of government. The origin of borough representation, he said, was the protection of trade, that of the counties the landed interest; but as every member for a borough must also have a landed estate of three hundred pounds per annum, surely the country gentlemen have every protection which parliamentary representation ought to afford them, and there is no need of any alteration on their account. Besides, should we come to disseminate boroughs, a most invidious dispute will arise, as to which are exceptionable and which are not so. Since the disfranchisement of all revenue officers, he believed the Crown had but a very inconsiderable interest in any of them. He thought there was no longer any danger of that influence to be feared by the most jealous of prerogative power, but it was time to take care that the aristocratical weight of property did not totally bear down the power of the Crown, and establish an influence much more destructive to the freedom of this country, by setting up the landed against the commercial interest, and this too in a commercial kingdom, which might end in overawing both the Crown and the people. It had been said, that amongst the impure boroughs, none were more so than such as had been put up to sale. Cricklade being one of those which had been found by a committee to come under that description, what followed? Why the right of voting for that borough was extended to the forty shillings a year freeholders of four chosen hundreds, near it, and thus a lord and great commoner or two, to whom they are chiefly tenants, have the naming of the members for Cricklade, as the inhabitants bear no proportion in numbers to the other voters, while all the weight of the taxes fall on the town. Thus in a recent instance have Parliament converted a free borough into the worst kind of burghage-tenure. How the constitution is improved by it, or the public benefited, he

was

was at a loss to tell ; but this he saw clearly was the sort of reform aimed at by many, and something similar to it by all who talked of moderate alteration in the representation, or in other words such alteration as would most increase their own power and influence, while it might serve to extend that riot, confusion, idleness, dissipation, ill-blood, or bad neighbourhood, which generally prevail at elections, and occasion the inhabitants of borough towns to live in constant enmity. He observed, that he had much more to say on the subject, but finding that the House was impatient for the question, he would conclude with this declaration, that he thought the motion of the right honourable member tended rather to destroy, than to repair, the constitution of the country ; wishing as he did rather to be governed by the King of the country, and by a better King it never was governed, than by the lords and great commoners, and thinking too, by agreeing to the motion, it would only tend to subvert instead of to uphold the rights of representation, he should vote for the order of the day.

The Earl of
Surrey.

The Earl of *Surrey* said, he could have wished that a committee had been appointed in preference to the motion before the House ; but as he had only his choice left of voting for the motion or for the order of the day, he certainly should give the preference to the right honourable gentleman's motion ; and he hoped the public would not stop at that partial reform, but persevere ; it did not go near far enough. He had hoped the burgage-tenures would have been abolished, and the rotten boroughs disfranchised. He said he would not be called to order, by asserting, that members gave three thousand pounds, and some three thousand five hundred for their seats :—but, he would say, the people without doors, believed that they did, and confidently said as much.

Mr. Rigby.

Mr. *Rigby* spoke violently against the motion, ridiculed the petitions, said they were but few, and obtained by partial means of a few persons calling on the Sheriff for a county meeting ; at that meeting none but friends were invited, and after the petition was agreed on, they formed themselves into bodies, and called themselves by some foolish, ridiculous name : he was himself, he said, a burges, and so was the mover of the question ; and it was his opinion, that burgeses were full as respectable as county members : he never would agree to any innovation or addition to the present number of the Commons, and declared that he

would

would sooner see another member added for Old Sarum, where there is but one house, than another member added to the city of London, who had enow already. He declared himself perfectly astonished at his honourable friend (the learned Lord's) declaring he should vote for the motion. He did expect he would have assigned something like a reason for having changed his opinion since the last year. Mr. Rigby laughed at the resolutions of the Constitutional Society and Quintuple Alliance, and said, that the honest gentlemen who composed those meetings, and gave them ridiculous names, only deceived themselves. They thought the attention of all the world was as much engaged in the question of Parliamentary reform as they were, when in fact scarce any body else thought or cared about the matter. He stated that in the county in which he lived, some ten or a dozen persons wrote to the Sheriff to call a county meeting; nobody came to that meeting but themselves and a few persons who had pre-determined as to what they were to meet about, and then they called that the county meeting.

Mr. Rigby declared he thought the spirit of innovation had already been carried too far, the influence of the Crown, for instance, he was firmly persuaded, had been too much curtailed. The public could not but feel this, and would Ministers say, that they did not feel it, and feel it as a great inconvenience in the execution of the necessary business of government? [Mr. Fox nodded across the House, by way of signifying, that Ministers did not feel the influence of the Crown to have been too much diminished.] The right honourable gentleman gives me a nod, (pursued Mr. Rigby) I know that here, I shall upon such a question have no other answer than a nod; it would not do for those who, when in opposition, were most clamorous within these walls for the diminution of the influence of the Crown, to own in the face of gentlemen whom they led away by such a clamour, that they feel the inconvenience they themselves occasioned; but I know they do, and I know the public feel it. I will prove my assertion—the public feel it at this hour very materially in the want of a Board of Trade. Such a Board was never more necessary. Don't let any gentleman rise and tell me, that their business is directed by a special act of Parliament to be done by some of the Privy Council. Have any of the Privy Council sat once for such a purpose? No, not once. Are they likely to sit for that purpose? I, Sir, who have been a Privy Counsellor for upwards

wards of twenty years, know there is not a probability of their doing the business, much as it calls for attention at this moment. A worthy and noble friend of mine presided in that council for many years. I mean the Duke of Bedford. Sir, when that noble Duke was at the head of the Council, I was a pretty constant attendant, and I was so from necessity; I was desired by the noble Duke to attend as a third person, otherwise there could not have been a board made. This being the fact, will any gentleman say, that there is the smallest probability the Privy Council should discharge those duties, that a Board of Trade composed of able men (and of such men I take it for granted, a Board of Trade will be composed, if the institution be revived under the present Administration) would discharge so much to the advantage of the public? I am as great an enemy to an improper or dangerous extension of the influence of the Crown as any man; but, Sir, I contend, that the influence of the Crown is as necessary an ingredient in the constitution, as the power of the Commons; and I trust and hope that the time is not far distant, when the influence of the Crown will be restored to its former necessary extent, in those particulars, in which the public at large feel a real injury from its diminution.

Mr. Sheridan.

Mr. *Sheridan* said he was disappointed: the motion did not go far enough. He would, nevertheless, vote for it, but he wished that it had taken in more of the objects in general request. The shortening the duration of Parliaments was one of those objects, which in his mind was most properly pursued, as a measure, tending to correct the great vice in the representation of the people—their subserviency to government in consequence of their long lease obtained from the people. Shorten that period, and unquestionably you strengthen the intercourse and connection between the representative and the constituent, and his station being more precarious, he is likely to be attentive to his trust. Mr. *Sheridan* very successfully ridiculed the Lord Advocate and Mr. T. Pitt as the new converts to Mr. W. Pitt.

Mr. Mansfield.

Mr. *Mansfield* spoke against the motion on exactly the grounds of Lord North, and wondered much at the conversion of the Lord Advocate.

Mr. Martin.

Mr. *Martin* supported the motion, yet did not think it was going far enough; he was for a similar motion to that of last year. Lord North and Mr. Rigby, he said, were much better companions at a table than they were in that House;

House; but as the noble Lord was going to the other House, he wished him well in private life, but thought he was the chief cause of our misfortunes. He ironically thanked Mr. Powys for his civility to the Constitutional Society. Mr. Martin said, the society was under prosecution for a publication, and he was glad of it, for he was sure no harm could arise from any of their publications, which were perfectly constitutional.

Mr. Alderman *Sawbridge* was in favour of the present motion, in preference to the order of the day, yet thought it by no means adequate to the purpose intended; he defended the Quintuple Alliance, and thought that, although universal representation would be absurd, something near equal representation might be acquired.

The Hon. *Anne Powlet* spoke a considerable time, but the House were not very attentive, therefore we could distinguish nothing more than that he was against the motion.

Mr. *Dempster* was likewise against the motion, declaring that he was not prepared to vote for it, as he did not know the sentiments of his constituents on the subject, never having heard the motion before he came into the House; and as he was the representative of a borough, he could by no means give his assent to a vote that would lessen the influence of his constituents. He voted last year for a committee, because there the necessary inquiries might be made into the real errors. If any part of the representation of this country wanted reform, it was that to which he had the honour to belong, and this was not the species of reform which would apply to their grievances.

Sir John Delaval was likewise against the motion.

Sir *Watkin Lewes* said, he should not have got up at so late an hour in the night, but that he thought himself particularly called upon, in the situation in which he stood, to give his opinion upon the proposition brought forward by the right honourable gentleman, and submitted to the consideration of the House. He seldom troubled the House with his sentiments; but this was a question of so great importance and magnitude, and in which his constituents and the public felt themselves so much interested, that he should ill discharge his duty to them, if he consented to give his silent vote. Obligated as he held himself to the right honourable gentleman for bringing forward these propositions, yet he was forced to declare they did not go to the extent of his wishes,

those of his constituents, or, he believed, of the public; but as they tended in some measure to secure the independence of Parliament, and would give some satisfaction to the kingdom, they should have his most earnest support. Some expressions had fallen in the course of the debate, which he felt himself bound to take notice of, as they were ill-founded aspersions on a very respectable body of gentlemen, with whom it was his pride to acknowledge that he acted in conjunction. Did those gentlemen, because they differed in sentiments with the right honourable member respecting the nature of the remedy, deserve the injurious reflection of visionary incendiaries? As well might the honourable gentleman throw that reflection upon the very respectable number of members of this House, who admitted the necessity of the reform when the question was last agitated.

Let me conjure this House, said Sir Watkin, not to reject the petitions of the people, but to shew every respect and attention to them. This at least is due, as a compensation for the dismemberment of the empire, and the loss of America, and will tend, I hope, to revive the commerce, and restore the dignity of the remaining part of the British dominions.

Mr. Pitt.

Mr. Pitt now rose and entered shortly into the arguments which had been advanced in the course of the debate against his propositions, and defended them with great ability and address.

It being now past two o'clock in the morning, the House divided on the order of the day, when the numbers were, ayes 293, noes 149. Majority against Mr. Pitt's propositions, 144.

The House then adjourned.

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